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THE
BENCH AND BAR OF LOWER CANADA
DOWN TO 1850

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ADDENDA & CORRIGENDA

The name of the late C. S. Campbell, K.C. through inadvertence was omitted in the last line of the Foreword.

I am grateful to Mr. Francis J. Audet for calling my attention in his Review of this book, which appeared in the March number of *The Canadian Historical Review* for 1926, to the S. Series in the Public Archives of Canada. I regret that as I did not know of its existence I could not make use of the information contained in it. I am indebted also to Mr. Audet for pointing out some of the inaccuracies contained in the book. Amongst these are the following :—

Page 23, line 3, for "Grant" read "Gray."

Page 23, line 6, for "Joutard" read "Jautard."

Page 23, line 15, for "Stuart" read "Stewart."

Page 39, line 18, Monk according to Mr. Audet was born in Boston in 1745.

Page 42, second last line, for "grandson" read "grand-nephew."

Page 43, line 4. Monk resigned in 1824 not 1823.

Page 49, line 17, for "thirty-three" read "thirteen."

Page 56, line 28, According to Mr. Audet "John Marteilhe and François Mounier were Judges of the Court of Common Pleas at Quebec, not Montreal. The former went later to live at Montreal."

Page 58, line 22, James Walker was admitted to the bar on May 1, 1777.

Page 59, line 3, Arthur Davidson was admitted in 1771 not in 1765.

Page 59, line 28, Foucher was appointed to the Court of King's Bench at Three Rivers in 1803, and was promoted to that of Montreal in 1812.

Page 61, line 12, Edward Bowen was born in 1780, not 1760.

Page 62, line 20, John Fletcher was born in 1767, not 1787.

Page 69, line 31, for "Jean Antoine Panet" read "Jean Claude Panet."

Page 93, last line of note (1) at foot of page for "Little St. Antoine St." read "Little St. James St."

THE
BENCH AND BAR
OF
LOWER CANADA
DOWN TO
1850

By

A. W. PATRICK BUCHANAN, K. C.

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SOME OF THE WORKS CONSULTED

Canadian Archives: *Reports of the Dominion Archivist from 1881 to 1921.*

Canadian Archives: *Documents relating to the Constitutional History of Canada.*

Morgan's Biographies of Celebrated Canadians.

Huston's: *Le Répertoire National.*

Quebec Gazette.

Quebec Mercury.

Montreal Gazette.

Montreal Herald.

Montreal Transcript.

Canadian Courant.

Canadian Spectator.

• Le Canadien.

La Minerve.

and other Canadian newspapers.

P. B. Casgrain, Q.C.: *La Vie de Joseph François Per-
rault.*

The Gentleman's Magazine.

The Annual Register.

The Law Reports.

Bulletin des Recherches Historiques.

FOREWORD

I have tried to put into as concise a form as possible the notes which I made some years ago of the distinguished men who have shed lustre on the history of the early Bench and Bar of Lower Canada. It has been rightly said that the Law Reports are monuments of the judges; the judges' work has a character of permanence, each judgment forming part of and becoming a jurisprudence of the country and of the judge who rendered it, and in the course of their career on the Bench eminent judges make a great impression upon the great body of the law; but such is not the case of the advocate, whose advocacy and ability at the Bar is forgotten after a generation or so.

It may be that I have perhaps paid more attention to some to the detriment of others and overlooked some individual whose standing at the Bar or ability on the Bench should have been recorded. If so, I have done it unintentionally, and I trust that any such lacunae will be filled by others, who, I hope will give a more able and detailed history of the Bench and Bar of Lower Canada.

*The lives should be recorded of such men as J. J. Day, Francis Cassidy, Andrew Robertson, Strachan Bethune, Alexander Cross, Edward Carter, G. C. V. Buchanan, Sir N. F. Belleau, Norbert Dumas, C. J. Laberge, Joseph Doutre, Sir J. J. C. Abbott, W. H. Kerr, Hon. Rodolphe Laflamme, J. S. C. Wurtele, T. W. Ritchie, Sir L. N. Casault, Sir J. A. Chapleau, Sir A. B. Routhier, R. N. Hall, William Cook, James Dunbar, M. A. Hearn, C. B. Langlois, Jean Langlois, Bernard Devlin, F. X. Archambault, J. A. Perkins, Hon. George Irvine, Sir Louis A. Jetté, Sir François Langelier, Sir Alexandre Lacoste, Sir Henri Taschereau, Hon. Horace Archambault, Sir Donald Macmaster, Hon. C. A. Geoffrion, Edmond Lareau, the author of *Histoire du Droit Canadien* and other works, Harry Abbott, E. Racicot, R. D. McGibbon, and R. C. Smith.*



The
**Bench and Bar of Lower Canada
Down to 1850.**

*There is no present pursuit in life which
appears more captivating at a distance
than the profession of the Bar.*

—Talfourd.

THIS is a subject of interest not only to the members of the legal profession but to historical students. I propose to give a sketch of the Courts of Law of Lower Canada since the Conquest and a few facts regarding the Chief Justices of those Courts and of the more eminent puisne judges down to the year 1850. I shall also endeavour to give some account of the personal history of the most eminent members of the Bar who attained a high position and distinguished themselves in their profession.

Under the French administration there were three Royal Courts, one in the district of Quebec, which was called la Prevoté de Québec, one at Trois Rivières, and one at Montreal, vested with full power, civil and criminal, each court having its juge royal or lieutenant-général.

These courts sat twice every week except six weeks' vacation in September and October, and a fortnight at Easter, and they would even sit on other days in the week if extraordinary business required it. The judges were men learned in the study of the law and

skilled in the *Coutume de Paris*, which the King had constituted as the law of the colony. There were also in each of the districts two judicial officers of great importance, the *greffier*, who registered all the proceedings of the court in a register kept for that purpose, and the *procureur du roi*, who conducted all crown prosecutions. From the decision of these courts there was an appeal to the *Conseil Supérieur* or *Conseil Souverain* of the province which sat every week at Quebec. In criminal matters the quorum of the Council was seven members, and in civil matters five, the mere majority being sufficient to render judgment. At the Council, which sat at the Intendant's Palace, the Governor sat at the head of the table, having the Bishop at his right and the Intendant at his left, all on the same level. The Attorney-General gave his argument sitting, and the Councillors sat according to their order of appointment. The parties with their attorneys pleaded their cases standing behind the chairs of the judges. The officers of the court had no particular costume but wore their swords.

From the judgment of the *Conseil Supérieur* a final appeal lay to the King of France in Council. To use the words of the Advocate-General James (afterwards Sir James) Marriott, in his *Plan of a Code of Laws for the Province of Quebec* written in 1774, "the expedition and reasonableness of such arrangement for the distribution of justice is infinitely striking."

"After the Conquest," said Mr. Justice Aylwin, in the celebrated case of *Wilcox vs Wilcox*, decided in 1857, by the Court of Appeals, consisting of LaFontaine, C.J., and Aylwin, Duval and Caron, JJ., which decided the question whether lands sold in free and common socage were subject so far as relates to descent dower and alienation to the rules of French law as in

force in Lower Canada, "military tribunals were established which decided cases in civil and criminal matters according to equity and good conscience and seemed to give general satisfaction and many were of opinion that these courts of military character were the best we ever had. They lasted about four years when civil institutions became necessary. Thereupon the King's proclamation of 1762 was issued notifying settlers, i.e., British subjects from New England and from home, and assuring them the country should be governed as nearly as possible by English laws. General Murray received instructions to summon an Assembly as soon possible. The Ordinance of 17th September, 1764, created civil and criminal courts, and be it remarked, at the time of the Conquest French Courts and the French mode of proceeding disappeared forever."

By this Ordinance two courts were established, a superior court or Court of King's Bench, and an inferior court or Court of Common Pleas.

The Court of King's Bench sat at Quebec twice a year, on the 21st January, called Hillary Term, and on 21st June, called Trinity Term. The Chief Justice presided sitting alone, and deciding all criminal and civil causes, agreeable to the laws of England and to the Ordinances of the Province. In all trials in this Court all the King's subjects in the Colony were admitted on juries without distinction. It should be remembered that at this period the Test Act, under which Roman Catholics were excluded from acting as jurors, was in force in England, and the reason given by General Murray, then Governor of Quebec, for giving Roman Catholic subjects this right, is thus explained in his own words : — "As there are but Two Hundred Protestant Subjects in the Province, the greatest part of which are disbanded Soldiers of little Property and

mean Capacity, it is thought unjust to exclude the new Roman Catholic Subjects to sit upon Juries as such exclusion would constitute the said Two Hundred Protestants perpetual Judges of the Lives and Property of not only Eighty Thousand of the new Subjects, but likewise of all the Military in the Province; besides, if the Canadians are not admitted on Juries, many will Emigrate. This Establishment is therefore no more than a temporary Expedient to keep things as they are until His Majesty's Pleasure is known on this critical and difficult Point."

From the judgment of the Chief Justice an appeal lay to the Governor and Council in cases where the matter in contest was over three hundred pounds sterling, and from the Governor and Council to the King and Council where the amount in dispute was over five hundred pounds sterling.

A Court of Assize and General Gaol Delivery was held by the Chief Justice once in every year at Montreal and Three Rivers.

The Court of Common Pleas had jurisdiction to determine all cases of property above the value of ten pounds with the liberty of appeal to either party to the Court of King's Bench where the matter in contest was of the value of twenty pounds and upwards. Where the matter in contest in this Court was above the value of three hundred pounds sterling either party might appeal to the Governor and Council immediately and from the Governor and Council to the King and Council where the matter in contest was five hundred pounds or upwards. All trials in this Court were to be by juries, if demanded by either party, and two terms were held every year at Quebec at the same time as the Court of King's Bench. The judges in this Court were bound to determine agreeable to equity, having

regard, nevertheless to the laws of England, as far as the circumstances would admit, and all causes between the natives of the Province, where the cause of action arose before the 1st October, 1764, were to be tried and determined by the French laws and customs.

This Court was only for the Canadians. "Not to admit of such a Court" observed Governor Murray "until they can be supposed to know something of our Laws and Methods of procuring Justice in our Courts, would be like sending a ship to sea without a Compass; indeed it would be more cruel — the ship might escape. Chance might drive her into some hospitable Harbour, but the poor Canadians could never shun the Attempts of designing Men, and the Voracity of hungry Practitioners in the Law; they must be undone during the First Months of their Ignorance; if any escaped their Affections must be alienated and disgusted with our Government and Laws."

Another observation he makes with regard to trials by juries is, "It is necessary to Observe that the few British Traders living here, of which not above Ten or Twelve have any fixed Property in this Province, are much dissatisfied because we have admitted the Canadians on Juries; the Reason is evident, their own Consequence is thereby bounded. But the Practitioners in the English Law have probably put them out of Humour with the Court of Common Pleas (which they are pleased to call unconstitutional)."

Canadian Advocates were given the right to practise in the Court of Common Pleas. "We thought it reasonable and necessary," said Governor Murray, "to allow Canadian Advocates and Proctors to practise in this Court of Common Pleas only (for they are not admitted in the other Courts) because we have not got one English Barrister or Attorney who understands the French Language."

The first judges of the Court of Common Pleas at Quebec, were Adam Mabane, a retired army surgeon, "who followed the Army as Surgeon's Mate, into this Country", Thomas Dunn, merchant, and Jean Claude Panet; and those at Montreal, John Fraser, who had been a captain in the 78th Regiment and Deputy Paymaster-General, Jean Marteilhe, a Swiss, and Francois Mounier, "an honest quiet trader, who knows very little of our Language or manners." Both Mabane and Mounier were members of the first Executive Council of the Province of Quebec.

Justices of the Peace were by the same Ordinance appointed for their respective districts, any one Justice having power to hear and finally determine all cases not exceeding five pounds currency, and two Justices, cases not exceeding ten pounds currency. Power was also given to three Justices of the Peace to hold Quarter Sessions and to try cases above ten pounds and not exceeding thirty pounds currency, from whose decision an appeal lay to the Court of King's Bench. Two of the Justices of the Peace were obliged to sit weekly in rotation for the better regulation of the police and other matters and things in Quebec and Montreal.

The Grand Jury of Quebec in its presentment made on the 16th October, 1764, represented that the great number of inferior Courts established in the Province, were tiresome, litigious and expensive, as they very often must be attended with the disagreeable necessity of appeals and, of course, many exorbitant fees; and that the great number appointed Justices of the Peace out of so few men of Character legally qualified and fit to be trusted with determining the liberty and property of His Majesty's Subjects to serve their Country as Jurors is Burthensome, and it can answer no good end to waste men's time in attending on

Courts, where no man is upon the Bench qualified to explain the Law and sum up the Evidences to the Jury, to prevent its being misled by the Barristers.

By an Ordinance passed 1st July, 1766, it was declared that all the King's subjects in the Province, without distinction, were entitled to be empanelled and to sit and act as jurors in all civil and criminal cases and that in all civil cases between British-born subjects the juries were to be composed of British-born subjects only; in all cases between Canadians the juries were to be of Canadians only, and in all cases between British-born subjects and Canadians the juries were to be composed of an equal number of each, if it were required by any of the parties in these cases. By this Ordinance, Canadian subjects were permitted to practise as barristers, advocates, attorneys and proctors, in all courts of the Province. This Ordinance was passed as a result of the address of the principal Canadian inhabitants to the King, relative to the Establishment of Courts of Justice, in which it was asserted that "family affairs which before were settled at slight expense obstructed by individuals wishing to make them profitable to themselves, who know neither our language or our customs and to whom it is only possible to speak with guineas in one's hand."

In all the proceedings carried on in the Court of King's Bench the forms of all actions, the style of pleading, the method of trial, and the rules of evidence, were those prescribed by the English law. In the Court of Common Pleas the proceedings were drawn up in any form and style that the parties or their advocates thought proper, sometimes in French, sometimes in English, just as the lawyer who prepared them happened to be French or English, and were oftenest in the French language as most of the business in these Courts was managed by Canadian attorneys.

The Courts of the Justices of the Peace proved very unsatisfactory and led to abuses. "There is indeed," said Baron Maseres, Attorney-General of Quebec, writing in 1769, "in the present establishment a court of justice in each district of the Province that sits every week for the despatch of business. These are the courts of the Justices of the Peace. This was a very judicious institution and well suited to the circumstances and disposition of the people. Yet it is liable to some objections. For, in the first place, the Justices of the Peace, who are the judges of these courts, are not much skilled in judicial proceedings, and secondly, the same justices not attending constantly at these sessions, it is often necessary where a matter cannot be decided at one session, but is adjourned to the next, to repeat all the proofs and arguments before the justices at the second session, which had been produced at the former session before the other justices who happened not to be now upon the Bench, which occasions an increase of expense and trouble; and, lastly, their jurisdiction extends only to such disputes that relate to sums of money that do not exceed ten pounds. In all contests for greater sums the parties are obliged to have recourse either to the quarterly courts of the justices of the peace, or to the Courts of King's Bench and Common Pleas, where the sessions are held but three times a year."

With regard to the expenses of law proceedings, Baron Maseres' remarks are interesting. "The expenses," said he, "attending lawsuits arise evidently from two different sources, the fees of the officers of the courts of justice, and those of the attorneys and advocates whom the parties employ in the management of their causes. The former are capable of being

“properly regulated, as the persons to whom they are
“due are all servants to Your Majesty, and under the
“immediate control of Your Majesty’s Governor and
“Council; and measures have been already taken to
“ease Your Majesty’s subjects in this Province of some
“part of these fees; Your Majesty’s Chief Justice and
“Clerk of the Crown have remitted those that used to
“be taken by them in the Supreme Court; and those of
“the Attorney-General for the conduct of criminal pro-
“secutions have always been charged to Your Majesty;
“and if those which are taken by the Clerk of the Su-
“preme Court for the civil business that is transacted
“there, and by the provost-marshal or sheriff, and his
“bailiffs for their summonses, arrests and other min-
“isterial business done by them in the course of the
“proceedings, and those which are taken in the Court
“of Common Pleas, or the quarterly and weekly courts
“of the justices of the peace, by the several officers of
“those courts, are found to be unreasonable, it will be
“easy to reduce them to a more moderate standard by
“a Provincial Ordinance for that purpose, if Your Ma-
“jesty will condescend to make such a reasonable addi-
“tion to the salaries of these several officers as shall
“be a compensation for such diminution of their fees.
“The other cause of the expensiveness of lawsuits is the
“rate of the fees of the attorneys and advocates. These
“fees, it is evident, are not capable of a like reduction
“with the former, but must always be such as the par-
“ties and their lawyers shall agree upon; since it is
“the natural right of every man to set what price he
“pleases upon his labour. All that can be done to keep
“those fees from growing exorbitant is to prevent a
“monopoly of law business in the hands of a few law-
“yers, who might thereby be enabled to exact unrea-
“sonable rewards from their clients by the necessity

“the people would be under of either employing them
“upon the terms they thought proper to demand or of
“letting their business remain undone; and this has
“been already shown by Your Majesty’s wisdom and in-
“dulgence in permitting Canadian notaries, attornies
“and advocates to practise their respective professions
“notwithstanding their continuance in the profession
“of the Romish religion.”

Accordingly by Ordinance passed on 1st September 1770, the authority of the Justices of the Peace was taken away, it being stated in the preamble that it had been found by experience that the provisions of the several Ordinances giving them certain powers and authorities “instead of answering the good purposes for which they were ordained, have become an intolerable burthen to the subject, and have proved the means of great disquiet, vexation and oppression.” This Ordinance provided that thereafter all disputes for sums not exceeding twelve pounds should be heard before the Judges of the Court of Common Pleas only, and that the Court of Common Pleas theretofore held by adjournment on different days and at different times in Montreal and considered and taken to be a part of the Court of Common Pleas at Quebec, should be a court of record with original jurisdiction of its own independent of the Court of Common Pleas at Quebec, and that for the future it should be held before judges constantly residing at Montreal. This Ordinance provided that the Courts of Common Pleas should be constantly open to the suitor, and should be kept open at all times throughout the year, except on Sundays and at seed time, a month at harvest and a fortnight at Christmas and Easter, and except during such vacation as should be from time to time appointed by the judges for making their respective circuits through the Province, twice in every year.

By the Quebec Act passed in 1774, all courts of justice were abolished from the 1st May, 1775, and until 15th October of that year the Province was without tribunals and no action could be instituted. By a proclamation, published on the 20th April, 1775, Governor Carleton appointed three magistrates for the district of Quebec and three magistrates for the district of Montreal, called Conservators of the Peace, who, however, only exercised their functions for a short time, when in consequence of the outbreak of the American War, martial law was declared. The magistrates appointed for Quebec were Adam Mabane, Thomas Dunn, and Jean Claude Panet, and at Montreal, John Fraser, Jean Marteilhe, and René-Ovide Hertel de Rouville, who had been a judge at Trois-Rivières under the French régime.

By an Ordinance passed on 25th February, 1777, courts of civil judicature were again established and the Province divided into two districts, Quebec and Montreal, and a court called the Court of Common Pleas, having original jurisdiction, was established for each of the districts of Quebec and Montreal, which were obliged to sit at least one day in every week for the decision of causes in which the value of the matter in dispute exceeded ten pounds sterling, and another day in every week for cases under that amount. In cases over that amount the presence of two judges was necessary to constitute a court. The decision of the court was final in all cases not exceeding ten pounds sterling, except in matters relating to taking or demanding any duty payable to the King or to any fee of office or annual rents or any such like matter where rights in future might be bound, in which cases, and also in cases over ten pounds sterling, an appeal lay to the Governor in Council, provided security was

duly given by the appellant that he would effectively prosecute the same and answer the condemnation and also pay such costs and damages as should be awarded in case the judgment of the court should be affirmed.

A Court of Appeal was likewise established for the hearing and determining of appeals from the inferior courts within the Province in all cases over ten pounds sterling. This court was composed of the Governor and Council, and, in the absence of the Governor and Lieutenant-Governor, the Chief Justice was President of the Court, and any five members of the Council, except the judges who had given the judgment appealed from, with the Governor, Lieutenant-Governor or Chief Justices, constituted a Court. This court sat at Quebec on the first Monday in every month throughout the year. Its judgment was final in all cases not exceeding five hundred pounds sterling, but in all cases over that amount and in all cases where future rights, etc., were concerned, an appeal lay to the King in his Privy Council.

By a subsequent Ordinance passed 4th March, 1777, a supreme court of criminal justice and jurisdiction, called the Court of King's Bench, was established, having jurisdiction only in criminal cases. This court was presided over by the Chief Justice of the Province, who sat alone, and it may be here remarked, it was only in 1778, when the Chief Justice was appointed a member of the Court of Common Pleas, that he could try cases in the first instance.

In 1791, the Province was divided into two separate Provinces, the Province of Upper Canada and the Province of Lower Canada, and the Governor or Lieutenant-Governor, or person administering the government of the Province together with the Executive Council, were constituted a Court of Appeal.

In 1793, the Province of Lower Canada was divided into three judicial districts, Quebec, Montreal, and Three Rivers, and in each of the districts of Quebec and Montreal, a Court of King's Bench was established. The Court of King's Bench for the District of Quebec consisted of the Chief Justice of the Province and three puisne judges, and the Court of King's Bench for the district of Montreal of the Chief Justice of the Court of King's Bench and three puisne judges. These courts had original jurisdiction in their respective districts to try all civil and criminal cases. For the administration of justice in criminal cases two sessions of the court were held in every year by two or more judges of that court, one of whom was always the Chief Justice of the Province or the Chief Justice of the Court of King's Bench at Montreal within each of the districts of Quebec or Montreal.

In all suits or actions of a civil nature the Court of King's Bench, which was held by two or more judges, was authorized "to hear and determine all complaints, suits and demands of any nature whatsoever which might have been heard or determined, in the courts of Prévôté, Justice, Royale, or Conseil Supérieur under the government of the Province, prior to the year 1759, touching rights, remedies and actions of a civil nature and which are not specially provided for by the laws and ordinances of this Province since the said year 1759."

Inferior terms of these Courts were authorized to hear, try and determine in a summary manner all civil suits in actions not exceeding ten pounds sterling. In the district of Three Rivers, two terms of the King's Bench for criminal and civil cases were held every year and a Provincial Court for the decision, in a summary

manner, of all civil suits or actions not exceeding ten pounds sterling, was established for that district, and was presided over by the Provincial Judge of the district.

In 1839, Courts of Requests were established for the districts of Quebec, Montreal and Three Rivers, which were held by Commissioners appointed for each court in each district. The qualifications for a Commissioner were that he should be a barrister of ten years standing at the least. On his appointment as such Commissioner he was also appointed a Justice of the Peace and as such was Chairman of the Quarter Sessions of the district wherein he was a Commissioner. No Commissioner could practise as an advocate unless he was a Queen's Counsel in which case, he could practise for the Crown only. The Commissioners had the same power as a Judge of the Court of King's Bench in certain cases. In 1841, these courts were abolished and District Courts established in their place.

The Court of King's Bench existed as such until 1843, when the Court of Appeal of Lower Canada was established replacing the Provincial Court of Appeal. Three terms a year were held alternately at Quebec and Montreal. It was composed of all the judges of the different courts of Queen's Bench of Lower Canada. At the same time the Superior Court for the Province of Lower Canada was established replacing the old Court of King's Bench, with the powers which the Conseil Souverain of Quebec had possessed with the exception of legislative powers. This court was composed of a Chief Justice and ten puisne judges, of whom four had to reside at Montreal, four at Quebec, one at Three Rivers, and one at Sherbrooke.

In 1849, the Court of Appeal and Error was established under the name of the Court of Queen's

Bench, composed of the Chief Justice and three puisne judges, which court had jurisdiction only in matters of appeal and error with original criminal jurisdiction. The court of original jurisdiction which up to that time had borne the name of Court of King's Bench or Queen's Bench, was denominated the Superior Court for Lower Canada.

At first there were no rules or regulations regarding lawyers or the course of study for them but any person who wished to practise could do so upon obtaining a license from the Governor, which, having been obtained, entitled them to act as attorneys as well as notaries. It was only in 1785 that the professions of advocate and notary were separated. The preamble of the Ordinance by which this was effected recited that the welfare and the tranquility of families and the peace of individuals required as an object of the greatest importance that such persons only should be appointed to act and practise as barristers, advocates, attorneys, solicitors, proctors and notaries who were properly qualified to perform the duties of these respective employments and that under certain necessary and proper regulations; that it had been found expedient that notaries and clerks of Courts should not be permitted to practise as barristers, advocates, solicitors, attorneys or proctors-at-law, and that land surveyors should not hold and exercise the functions of notaries, and it was consequently enacted that no person should be commissioned, appointed or permitted to practise in any of the courts as a barrister, advocate, solicitor, attorney or proctor-at-law who should not have bona fide served a regular and continued clerkship during the space of five years under a contract in writing for that purpose made and entered into with some advocate or attorney

duly admitted and practising in courts of the Province or in some other parts of His Majesty's dominions or with some Clerk or Register of any Court of Common Pleas or Court of Appeals within the Province during the space of six years unless such person should have been already called to the Bar or entitled to practise as an advocate or attorney in some court of Civil jurisdiction within some part of His Majesty's dominions.

This Ordinance provided that no person should be admitted to practise until after he had been examined by some of the first and most able barristers of the Civil Judicature in the Province in the presence of the Chief Justice or two or more Judges of the Courts of Common Pleas.

By this Ordinance all persons holding any two of these appointments were required to elect and make choice of one of the employments which he was desirous of holding and that no person being a notary should be permitted to plead or practise as a barrister, advocate, solicitor, attorney or proctor-at-law in any court in the Province and vice versa that all persons practising in such capacities were disqualified from acting as notaries.

It is clear from this Ordinance that an abuse had been made in combining the positions of clerks of Court, advocates, notaries and land surveyors. The passage of this Ordinance led to representations being made by the advocates and notaries of the Province to the King, representing the hardship that would be inflicted upon them by the passing of this Act, but without success.

The first to be admitted advocates were Pierre Mezière (who retired from practice in 1794) and Pierre Panet in 1765, and subsequently William Conyngham, an unsavoury individual, who was later disbarred; John

Burke, Arthur Davidson, afterwards a judge, Antoine Foucher, Guillaume Guillemain, Edward William Grant, Thomas Hall, Henry Kneller, later Attorney-General, Jean Baptiste Lebrun de Duplessis, Antoine Jean Saillant, Edward Antill, Thomas Locke, Valentin Joutard, J. O. Olry, Jacques Pinguet, J. F. Cugnet, author of "*Traité des Fiefs*," Michel Amable d'Artigny Berthelot, Alexandre Dumas, John Reid, Isaac Ogden, afterwards a judge, Duncan McDonald, Louis Charles Foucher, afterwards Solicitor-General and a judge, Walter Roe, John Antill, Jonathan Sewell, Jr., afterwards Chief Justice, Pierre Bédard, Jr., afterwards a judge, Jacob Oldham, Robert Russell, Stephen Sewell, James Reid, afterwards Chief Justice, Joseph Bédard, Pierre Vézina, Charles Stuart, Charles Thomas, James Walker, James Kerr, Thomas Walker, Narcisse Panet, etc.

The first general Quarter Sessions of the Peace at Montreal were held on the 27th December, 1764, there being present Moses Hazen, Jr., John Dumas, S. Mackay, Thomas Lambe and Francis Knife.

In the Court of King's Bench September 1781, is recorded the first murderer to be hanged in the history of this Province since the Cession, William Blunt. Another, Elijah Lawrence, convicted of grand larceny, was sentenced to be hanged, but recommended to mercy.

At a session of the Court held in 1784, it is recorded that the Sheriff reminded the Court that all persons sentenced to be "burned in the hand in the Court of King's Bench may receive their punishment in this Court agreeable to sentence." The punishment consisted in the prisoner being brought from the gaol into the court-room and made firm by an iron hand at the back of the dock, the palm part of his own hand being

opened. The redhot iron, sometimes ending either in a crown or some other device, was held ready by the common hangman, and the punishment was inflicted in the centre of the palm. The instrument being ready, the prisoner was informed that the moment it touched his flesh, he could repeat as fast as he could the words "Vive le Roi" three times and at the end of the third repetition, the punishment would cease, or the words "God save the King," if he were an English prisoner.

The costume of the Bar since 1778 is the same as that worn by the King's Counsel and Barristers of the English Bar, with the exception of the wig, which custom was introduced by the first English lawyers who practised law here. In 1809, it was ordered by the Orders & Rules of Practice in the Court of King's Bench for the District of Quebec, "that the King's Counsel and all Barristers who do or shall practise in this Court do appear, when in Court, habited in black and in such robes and bands as are worn by the King's Counsel and Barristers in Westminster Hall, with their hair in bags as heretofore hath been used; and that no such Counsel or Barrister be heard in any cause who is not so habited."

"The King's Counsel," writes Lord Campbell, "then few in number were considered officers of the Crown and they not only had a salary of £40 per year but an annual allowance of paper, pens and purple bags. These they distributed among juniors who had made such progress as not to be able to carry their briefs conveniently in their hands. All these salaries and perquisites were ruthlessly swept away in 1830 by Lord Grey's reforming government — and it was full time — as King's Counsel had become a mere grade in the profession comprehending a very large number of its members. Nowadays any young barrister buys

a bag as soon after he is called to the bar as he likes, but when I was called to the bar and long after the privilege of carrying a bag was strictly confined to those who had received one from a King's Counsel." The bag which barristers carried was purple. In Canada a K. C. carries a red bag, a barrister a blue bag.

The following is taken from an article written some years ago on the dress of King's Counsel and barristers :—

"Up to the end of the seventeenth century the Law Courts that sat at Westminster Hall did not recognize any other costume than that worn by barristers in the various Halls of their Inns of Court. There was no distinction between the dress of the 'King's Counsel' and the juniors. This costume consisted of a stuff or cloth gown and a pair of 'bands.'

"It was at the funeral of Queen Anne that the leaders of the Bar Q. C.'s adopted for the first time a special and distinctive costume, consisting of a black Court dress and silk gown. This costume, originally worn as mourning nearly two centuries ago, has ever since remained the distinctive attire of the leaders. Chief Baron Pollock's humorous explanation of the sombre character of the modern costume of the Bench and Inner Bar was, that at Queen Anne's death they all went into mourning and have not since come out of it.

"The Q. C.'s attire is of two kinds : full and ordinary dress. The former consists of a black cloth Court coat, waistcoat, and breeches; black silk stockings, black shoes or 'pumps', with gold or silver buckles; a full-bottomed wig, lace ruffles at neck and wrist, and a black gown of silk, with deep square collar or cape lying flat, half way down the back, and long, narrow, streaming sleeves hanging from the elbow,

“and almost touching the ground. This complete attire
“is only worn on State occasions. The full-bottomed
“wig, which only came into wear when long wigs be-
“came the fashion under Charles II., is always assumed
“when pleading before the House of Lords and Privy
“Council; on other professional occasions these learn-
“ed gentlemen content themselves with black Court
“coat and waiscoat, silk gown with wig and bands, sim-
“ilar to those worn by the Junior Bar. A curious cus-
“tom is that when a Queen’s Counsel is in mourning,
“either Court or private, he wears a stuff gown of the
“same shape as the silk one he ordinarily dons, also
“deep cuffs of white lawn, called ‘weepers,’ on the
“sleeves of his coat.

“The costume of the Junior Bar never varies. It
“consists of a gown, a pair of white bands, and a small
“bob-tie wig with two little tails at the back. The
“gown is of black stuff, or bombazine, open in front,
“and reaching down to the middle of the calf of the
“leg. The sleeves are large and balloon-like; they are
“gathered up at the edge, and kept from unduly getting
“in the way by little straps or strips of ribbon and
“buttons. The gown is gathered at the back into innu-
“merable little folds, its fulness commencing behind at
“this point; it has no cape or hood. It is altogether
“the most clinging, uncomfortable, disagreeable get-
“in-the way garment ever invented. Its origin is a
“mystery; it may be a survival of the gowns of the
“monks, which gentry exclusively practised in the law
“courts until they were forbidden so to do in 1217;
“possibly it is nothing more or less than the gown of
“the Old English citizens of the thirteenth century.
“What is more likely is that it was the dress specially
“worn by the very earliest practitioners when the Inns
“of Court were first founded. However this may be

“one thing is quite certain — its antiquity is undoubted. There is no print, drawing, or woodcut of any authority extant showing a barrister or ‘counsellor’ in a gown practically different in shape to that now worn by the Junior Bar.

“Barristers have been averse to change the shape or cut of their gown; for when in the time of Edward III everybody began to wear the short robes then prevailing in Spain, France, and Italy, members of the Bar almost alone resisted the innovation and so earned the title of ‘gentlemen of the long robe’ that has followed them till today. There are two appendages to the gown which deserve notice. The first is a small piece of stuff roughly shaped like a W attached to the yoke at the back. This is said to represent a bag or purse which barristers wore behind, and into which clients were in the habit of dropping the honoraria or fees so as not to wound the susceptibilities of their counsel by openly paying them for services which were supposititiously rendered free of charge. The second adjunct is a long narrow strip of stuff about two feet long and two inches broad attached to the robe at one of the shoulders. Tradition has it that this was grasped to detain the barrister when he evinced a desire to escape from some importunate client desirous of talking over his case or openly paying a fee.

“The two strips of linen hanging from the neck — the bands — are the remnants of the Old English collar. In course of time this collar got smaller, until all that was left of it are the bands as worn by clergymen and barristers of today. They might seem to denote the clerical origin of the Bar. This is not so, as they were not worn in their present diminished shape until late in the reign of James II., and were adopted

“almost simultaneously by barristers and Anglican
“clergyman. The most recent portion of a junior bar-
“rister’s attire is the wig, and has been added in com-
“paratively modern times. In the time of Charles II.,
“when wigs were first introduced from abroad, the
“military men and barristers helped to set the fashion
“in all questions of male attire. They wore wigs in
“court varying with the fashions of the hour, as long as
“wigs were worn, and when the rest of the world gave
“them up at the end of the last century, barristers re-
“tained them, and still do so as a distinctive part of
“legal costume. In 1765, a petition was presented to
“King George III. by the master peruke-makers, alleg-
“ing that their trade was falling off as wigs were going
“out of fashion, and that but for the ‘counsellors’ (the
“old name for barristers) they would soon have no
“customers; they prayed his Majesty to devise some
“relief. The King returned a gracious answer. Some
“wag, however, struck by the ludicrous side of the pe-
“tition, published a bogus petition from the Body-Car-
“penters imploring his Majesty to wear a wooden leg,
“and to enjoin all his servants to appear in the Royal
“presence with the same graceful decoration. The wigs
“now in use at the Bar are chiefly made of goats’ hair,
“and are ornamented with three rows of little curls
“going round the head, and closely fastened to the
“main structure, and two tails behind falling a little
“below the collar. Until thirty years ago, nearly all
“the Bar wigs were pomatumed and powdered, but this
“fashion for obvious reasons has gradually declined,
“and only a very few now favour it.”

On the 20th October, 1796, the Gentlemen of the Bar, Sheriff and Prothonotaries at Montreal gave a dinner to the Judges at Dillon’s Hotel, the dinner being called for four o’clock on Thursday the 20th October.

The guests were : Judges Walker, Panet, Ogden and Pyke, Sir John Johnson, Sir George Pownall, General Christie, John Richardson, Thomas Forsyth, Louis Chaboillez, Isaac Todd, Major Hughes, E. H. Toosey, Frederick Ermatinger, Isaac A. Clarke, Major Murray, John Lees, Joseph Frobisher and Simon McTavish, James McGill, John Gregory, Colonel Blake, and Colonel McDonald, and the Members of the Bar present were Arthur Davidson, James Walker, Robert Russell, Stephen Sewell, David Ross, James Reid, Francis Levesque, Joseph Bédard, and Louis Charles Foucher, the Sheriff Edward William Gray, and the Prothonotaries John Reid and Saveuse de Beaujeu. The gentlemen in charge of the dinner were Mr. Gray, the President, Thomas Walker, Vice-President, and Arthur Davidson and L. C. Foucher, the Committee.

The Attorney-Generals from 1764 to 1800 were George Suckling, Francis Maseres, afterwards Cursitor Baron of the Exchequer, Henry Kneller, William Grant, who returned to England and became Sir William Grant, Master of the Rolls, Edward Southouse, James Monk, Alexander Gray and Jonathan Sewell. Mr. Jenkin Williams was Solicitor-General a short time about 1780. Sewell in 1793, and Louis Charles Foucher in 1795.

The Chief Justices of the Province of Lower Canada (and of Quebec) since 1764 to 1850 have been : William Gregory, William Hey, Peter Livius, William Smith, William Osgoode, John Elmsley, Henry Alcock, Jonathan Sewell, Sir James Stuart; and the Chief Justices of Montreal from 1794 to 1850 have been James Monk, afterwards Sir James Monk, James Reid, Michael O'Sullivan, Vallières de St. Réal and Jean Roch Rolland.

The first Chief Justice of Quebec was William

Gregory who was appointed in 1764. He did not fill the office of Chief Justice for any length of time as in 1765 General Murray reported to the Lords of Trade that the Chief Justice and the Attorney-General (George Suckling) were both ignorant of the French language, were needy, and though good lawyers and men of integrity, were ignorant of the world, and in 1766, Gregory was informed that in consequence of his conduct His Majesty had no further occasion for his services as Chief Justice. He appears to have practised law at Montreal for a short time and in 1767 he was the leading counsel for the accused in the prosecution of Major Disney and others for the assault on Thomas Walker.

William Hey, the second Chief Justice, who was born in 1734, was called to the English Bar, and in 1766 was appointed Chief Justice at Quebec. He was recommended for the appointment by Burke, who spoke of him as possessing plain manly English sense and integrity. One of the first cases he was called upon to try was an information against St. Luc La Corne, late captain in the French service and Chevalier de St. Louis, John Fraser, captain in the late 78th Regiment, Deputy Paymaster-General and a judge of the Court of Common Pleas; Captain John Campbell, 27th Regiment; Captain Daniel Disney, 44th Regiment; Lieutenant Simon Evans, 28th Regiment, and Thomas Howard, merchant, for an assault committed on Thomas Walker. The specific charge was that they had cut off the ear of Thomas Walker in the year 1764. The complainant was an Englishman who had lived many years in Boston; he came to Montreal and was appointed Justice of the Peace. The accused were only arrested in 1766 at Montreal, and, being taken to Quebec, applied to the Chief Justice to be admitted to bail, which he refused,

and they were returned to Montreal. They were confined "by the indulgence of the Sheriff in the house of an eminent merchant of that place (Montreal) the common gaol being a mean one, and wholly unfit for the reception of any number of persons had they been of the lowest kind and degree." As at that time there was no court house at Montreal the Chateau de Vaudreuil was hired for the custody and trial of the accused. The Grand Jury before whom the bills of indictment were brought, threw them all out except that against Captain Disney, or Major Disney, as he had now become. The trial came on on the 11th March, 1767, and lasted twelve hours, resulting in a verdict of acquittal. The Attorney-General, Francis Maseres, prosecuted, and the accused were defended by Wm. Gregory, John Morison, Edward Antill, and one Johnson.

In 1774, when the Americans invaded the Province, Walker went over to the rebel cause, though he did not actually take up arms. In October, 1775, he was arrested by the British at his country house at L'Assomption, but he was later rescued by the Americans. It was at his house in Montreal, in the Spring of 1776, that the American Commissioners Benjamin Franklin, Samuel Chase and Carroll of Carrolltown, lodged; and it was with them that he left the Province when the Americans retired.

In 1773, Hey was granted leave of absence and went to England, and while there was returned to Parliament as a member for Sandwich in Kent. He returned to Canada in 1775 and resumed his judicial duties, which he performed until the early part of 1776, when he retired to England. He was subsequently appointed Commissioner of Customs in England, an office which he held until his death. He was a very

conscientious and humane judge and merits a high place in the annals of the Bench of Lower Canada. Attorney-General Thurlow termed Hey "a very respectable and judicious officer," and Baron Maseres characterizes him "as a man of confessedly superior knowledge and abilities to any of the other judges in it — the Supreme Court of the Province — or to all of them put together."

A later Chief Justice, Sir Louis H. LaFontaine, cited with great approval the opinion of Chief Justice Hey as given in "A View of the Civil Government and Administration of Justice in the Province of Canada, while it was subject to the Crown of France," which pamphlet is attributed to him. Hey was a great favorite with Lord Chancellor Loughborough, and was dining with him when the Great Seal was stolen in 1785. He died in 1797 in Park Place, St. James's, Westminster, and at the time of his death he had a fine country seat in Kent.

Peter Livius, who succeeded Chief Justice Hey, was of German extraction, and is said to have been born about 1727 at Lisbon, where his father was employed in an English factory. He became a Judge of the Court of Common Pleas of New Hampshire, but left there about 1773 and went to London where he laid a complaint before the Lords of the Trade against John Wentworth, Governor of New Hampshire, which was dismissed. In 1775, he was appointed a Judge of the Court of Common Pleas of Quebec, "entitled by his qualities to be placed first on the Commission for the district of Montreal." In 1776, he was promoted to be Chief Justice, but was, two years later, summarily dismissed by Carleton, when he returned to England and laid his case before the King. It was referred to the Board of Trade who sent a copy of the memorial

to Carleton, then also in London, asking him to give his reasons for the dismissal, which he did. Subsequently, the Board invited both Livius and Carleton to be present and defend their cases. Carleton declared that he had nothing further to add. The Board of Trade in their report declared that nothing whatever had been brought against the professional conduct of the Chief Justice and that therefore the Governor in dismissing him without cause had disregarded his Instructions. They then reviewed the whole conduct of Livius as a member of the Council. There they found that the only possible grounds for criticism lay in two motions made by him in Council. One was that the Governor should communicate to the Council so much of his Instructions as it was necessary for the Council to know in order that they might conform to them. As this was strictly in accordance with the Instructions which the Governor should already have acted upon, the Board was so far from seeing anything amiss in this that they recommended to the King a special instruction to Governor Haldimand, who had succeeded Carleton. The other motion was that Carleton placing his own interpretation upon a clause of his Instructions had formed an inner circle of the Council consisting of five members which he designated the Executive Council and before which all the accounts and the more important business of the Government were brought. The Chief Justice moved that an address be presented to the Governor drawing attention to this innovation and praying for a remedy. Here too the Board, not only quite agreed with the constitutional stand taken by Livius, but recommended the sending of a further additional Instruction to Haldimand repudiating Carleton's interpretation of this clause of the Instructions and requiring him to dis-

continue the practice. Finally, after noting that the language of the last remonstrance of the Chief Justice might have been somewhat more careful of the dignity of the Governor, the Board of Trade completely exonerated Livius alike as Chief Justice and as a member of the Council. Livius was restored to his office of Chief Justice, but it does not appear that he ever returned to this country. While in London in 1779 he published a pamphlet styled "Proceedings between Sir Guy Carleton, K.B., late Governor of the Province of Quebec, and Peter Livius, Esq., Chief Justice of the said Province; with a representation of the Lords Commissioners of Trade and Plantations thereupon. The report of the Lords Committee of Council and His Majesty's Order in Council." The pamphlet is embellished with a portrait of Livius representing him sitting in an arm-chair with an open book on a table before him and bears the following inscription : —
"Bonus atque fidus Judex honestum praetulit utili et per obstantes catervas explicuit sua Victor arma."
While in England he drew up a memorandum proposing an amendment to the judicial system of the Province in order that impartial and substantial justice may be easily attained in Canada by a course of law by attending to the three following points : — (1) to interpose such an authority between the sword and the people that they might not be oppressed by any person using the General's name; (2) to divide the supreme judicial from the legislative authority which are now conjoint in precisely the same persons, viz., the Council; (3) to establish some judicatory for small causes arising at a great distance from the seat of the ordinary court in each district.

During his absence the duties of the office of Chief Justice were carried on by a Commission composed of

Judges Mabane, Thomas Dunn, and Jenkin Williams. Of Livius, Sir Guy Carleton complained that he understood neither the laws, manners, customs or language of the Canadians, and General Haldimand said that he had been sent away from Quebec and hoped that he would never return.

William Smith, the fourth Chief Justice, and father-in-law of a greater Chief Justice, Jonathan Sewell, was born in 1728 at New York. He was the eldest son of William Smith, who was a member of His Majesty's Council and afterwards Judge of the Court of King's Bench for the State of New York. He was educated at Yale College and was an excellent Greek and Hebrew scholar and a thorough mathematician. He became Solicitor-General of the Province of New York, as it was then called. In Chalmer's Legal Opinions there is an opinion given in 1763 by J. T. Kempe, Attorney-General, and William Smith, Jr., Solicitor-General, on the distribution of forfeitures under the Acts of Trade. In 1780, he was appointed Chief Justice of New York. After the breaking out of the American Revolutionary War he went to England, and in 1786 was appointed Chief Justice of Lower Canada. He was the author of the "History of the Province of New York from the First Settlement down to the year 1732," and it was his son, the Honourable William Smith, Master in Chancery of Lower Canada and a member of the Executive Council, who wrote the first English history of Canada entitled "History of Canada from its First Discovery down to the year 1791." He died in 1793. "He thus held his office as Chief Justice for seven years managing the Court and all proceedings in it with singular justice. It was observed by the whole country how much he raised its reputation; and those who held places and offices in

it all declared the impartiality of his justice, his generosity, his vast diligence and his great exactness in trials. It was customary before his time that all prisoners should be brought into court in the custody of a party of soldiers; he disapproved of this and established for the first time the appointment of constables ordering them to be provided with their batons of office, which has been continued ever since."

Until 1794, only one Chief Justice was appointed at a time, his title being Chief Justice of Lower Canada, his residence being at Quebec. In 1794, two Chief Justices of the Court of King's Bench were appointed, one for the district of Quebec, who was the Chief Justice of the Province, and the other for the district of Montreal.

Christie in his History of Canada writes:—

"Descending to humbler matters, and more within our scope, it may not be amiss, before closing the chapter and taking leave of the eighteenth century, to pass also in review, the "*dramatis personae*", of our provincial political and judicial theatre, and see who were the men of that epoch, that wielded the — "little brief authority" of their day, and their value. It may prove instructive to the general reader, as well as to those who now have their hour, and exercise the powers that be, and who, looking back at their predecessors on the stage of fifty years ago, may see them, as, probably, they will, some fifty years hence, be themselves seen, and perhaps compared with them, by their successors on the same boards they now tread, if, by any chance, some idle chronicler like the present, shall think it worth his while, to rake their deeds and recall their names, from the oblivion, to which, in all probability they shall, before that, have been consigned."

"The salary of the governor in chief was then but £2000: increased this year (1799) in favor of Sir Robert Shore Milnes, the lieutenant-governor, to £2500, — "being £1000 per annum, in addition to the present salary of £1500 per annum, during such time as he shall exercise the administration of the government of Lower Canada, in the absence of the governor." The executive council consisted of :—

Chief Justice William Osgoode,
The Right Revd. Jacob Mountain, Lord Bishop of
Quebec,

P. R. de St. Ours,
Hugh Finlay,
François Baby,
Thomas Dunn,
Joseph de Longueuil,
Pierre Panet,
Adam Lymburner,
James McGill,
Chief Justice James Monk,
P. A. De Bonne,
John Lees,
A. J. Duchesnay,
John Young,
Herman Witsius Ryland, clerk.

Each of these gentlemen received £100, sterling, a year, as Executive Councillor, and the clerk, Mr. Ryland, £400, besides £200 as secretary to the Governor, and fees to a considerable amount annually."

"The Court of King's Bench at Quebec, consisted of the Chief Justice of the Province, William Osgoode, Thomas Dunn, Jenkin Williams, and P. A. De Bonne : that of Montreal, of Chief Justice James Monk, James Walker, P. L. Panet, and Isaac Ogden. There was besides a judge at Three Rivers, P. A. Deschenaux,

styled Provincial Judge and Judge of King's Bench for that district — a judge, Provincial Judge, Felix O'Hara, for Gaspé, and a Judge, James Kerr, for the Court of Vice-Admiralty. The salaries were as follows : — to the Chief Justice of the Province, £1200, sterling : Chief Justice at Montreal £900 — each of the other judges £500 — the judge at Three Rivers £300 — judge at Gaspé £200, and the judge of Vice-Admiralty £200. There was a Secretary and Registrar of the Province, Sir George Pownall, at £400 — an Attorney-General, Jonathan Sewell, at £300, besides fees — a Solicitor-General, Louis Charles Foucher, £200 and fees — a Receiver-General, Henry Caldwell, at £400 — an Inspector-General of Public Provincial Accounts, Thomas Aston Coffin, at £365 — a Surveyor-General of Lands, Samuel Holland, at £300 — a Surveyor-General of Woods, John Coffin, at £200 (a sinecure) — a French Translator, X. de Lanaudière, £200 — a Grand-Voyer of the Province, Charles de Lanaudière, at £500 — (a sinecure)."

The first Chief Justice of Lower Canada under the new system was William Osgoode, and the first Chief Justice of Montreal, James Monk, both appointed in 1794.

William Osgoode, who succeeded Chief Justice Smith in 1794, was born in 1754 in England, and educated at Christ Church, Oxford, where he took the degree of Master in Arts in 1777. He was a member of Lincoln's Inn and was called to the Bar in 1779 and practised for about six years in the Court of Chancery. He was the author of a celebrated treatise on the laws of descent. In 1792, he was appointed Chief Justice of Upper Canada, and in 1794, to the more important office of Chief Justice of Lower Canada. He resigned in 1801 receiving a pension of £800, and re-

turned to England, and died in his chambers in the Albany House, London, in 1824. At the time of his death he was one of the Commissioners of Enquiry into the fees of courts of justice. His personal property was estimated at £35,000 and his real estate to be worth as much more, the whole of which he bequeathed to his relatives and friends, but to one in particular, whom he had made his residuary legatee, he gave the bulk of his fortune. It so happened that his residuary legatee died a few days previously to him and the bequest became a nullity, the whole reverting to his next of kin, but no next of kin being found, the property was taken possession of by the Court of Chancery. It was after him that Osgoode Hall, Toronto, was named.

James Monk, the first Chief Justice of Montreal, was the son of Attorney-General Monk of Nova Scotia, where he was born in 1744. He became Solicitor-General of that Province, and in 1776 was appointed to the more important post of Attorney-General of Lower Canada in succession to Edward Southouse, who had been raised to the Bench as a puisne judge of the King's Bench of Lower Canada. This office he held — with the exception of a short interval in 1789 when he was dismissed by Lord Dorchester being replaced by Alexander Gray — until 1794. The reason of his dismissal was due to his acting for the Committee of Merchants in opposing the continuance of the ordinance which established trial by jury in civil affairs between merchants and traders. The petitioners were represented by Monk who spoke for six hours against the measure. He dwelt on the necessity of determining what laws had been retained by the Quebec Act and enforced the necessity of clearly establishing the principle of law which should be followed. He also advocated the pro-

priety of restraining the judges within a prescribed code with clearly defined rules of court by which in all cases their decision should be governed. In support of his argument he cited cases which from the contrary character of the decisions rendered as shown by the records of the court, to use the words of one present, "astonished his audience." The Bill was subsequently dropped but in consequence of the complaints against the administration of justice an investigation took place which showed that there was great uncertainty as to the prevailing law owing to French or English law being followed as equity suggested. Lawyers writing on the point described the enquiry as disclosing a condition of legal anarchy and confusion presenting a melancholy state of the administration of justice. He was reinstated in 1792 at a salary of £300 and fees. He was a very able man and an acute politician. While in the office of Attorney-General his conduct was viewed with considerable satisfaction by the Home authorities for the manner and ability displayed by him in suppressing sedition in those troubled times, and Dorchester considered him a zealous officer. In 1794, he was appointed Chief Justice of Montreal at a salary of £900 per annum, which was, in 1802, increased to £1100.

In 1798, the question of the legality of slavery in Canada arose. Slaves were often cited and described in legal and other notices and documents in Lower Canada as chattels, such as negroes, effects and merchandise, and in the newspapers of the time are to be found several advertisements for sale. In *Montreal Gazette* of 18th March, 1784, Madame Perrault offers a negress for sale, and a week later is advertized "A negress about 25 years who has had the smallpox and goes under the name of 'Peg'." In March 1788

the Montreal Court of Common Pleas had before it the case of *Jacobs vs Fisher*, claiming the delivery to the plaintiff of two negro wenches, and judgment was given that the slaves should be given up or £50 damages be paid. Several similar cases are on record in Montreal and Quebec. In February, 1798, "Charlotte" a coloured slave, was claimed by her mistress and released on habeas corpus by Chief Justice Monk at Montreal. "Jude," another negress, was soon after arrested as a runaway slave by order of the magistrate. The negroes in Montreal, knowing of the Charlotte case, became excited and threatened a revolt, but when the woman was brought before the Chief Justice he released her also and declared in effect that in his opinion slavery was ended. On the 18th February, 1800, the case of "Robin" came before the full Court of King's Bench, Mr. James Fraser claiming him, when, after argument, it was ordered that the said Robin, alias Robert, should be discharged from his confinement. It seems clear that the Court was wrong in its judgment and that slavery in law existed in Lower Canada until the Imperial Act of 1833 removed it from all the colonies. An effort was made in the Provincial Legislature to obtain an Act to define the true position, but without success. The masters were mostly residents of Montreal and Quebec, and the country members, not having such property, had no interest in sustaining the system for the benefit of wealthier citizens who had to acquiesce in the inevitable and slavery ceased *de facto* in the Province from and after the decision in the Robin case in 1800.

In 1813, he was impeached with Chief Justice Sewell at the instigation of James Stuart on the charge of advising criminal prosecutions in Montreal, and sitting in judgment upon them, and with

having refused a writ of habeas corpus. The charges were declared unfounded. Monk acted as Administrator of Lower Canada on two occasions in 1819 and 1820.

He lived at "Monklands" near Montreal. This property with its fine old woods bordering the Côte St. Luc Road was originally sixty-three acres. And the mansion of hewn stone and other substantial buildings were grouped about midway under the plateau in rear which terminates the westerly spur of the mountain. The land was acquired in 1796 by Chief Justice Monk, when he built the residence. On his death the property went to his niece, Elizabeth Anne Monk, wife of Major George William Aubrey, a retired officer of the Imperial Army. Major and Mrs. Aubrey resided at Monklands until 1842 when Montreal having become the capital of United Canada it was leased to the Crown and wings were added to the residence, which was otherwise improved as the official residence of the Governor Generals, Lord Metcalfe and the Earl of Elgin occupying it during their respective terms of office. It was from there that on the ever memorable 26th April, 1849, Lord Elgin drove down to the Parliament Buildings and gave his assent to what is known as the Rebellion Losses Bill and returned through the crowds of Ultra-Loyalists who followed him with missiles and cries of disapproval almost to the threshold of his mountain home whence he watched the flames which consumed the Parliament Buildings and which drove the seat of Government to Quebec and Toronto. Monklands was soon after leased to Mr. Sebastien Compain as an hotel, with Mr. Henry Hogan, subsequently the proprietor of the St. Lawrence Hall, as manager. In 1842, the property was purchased by the late Judge Monk, grandson of Chief Justice Monk, and remained in his family for fourteen years, when it

was sold to the Ladies of the Congregation of Notre-Dame for the purpose of establishing their Mother House, and is now known as Villa Maria.

He resigned in 1823 upon a pension of £550 per annum, and went to England, and was knighted in 1825, dying the next year at Cheltenham, England. He had a brother, George Henry Monk, originally a merchant at Halifax, who, having failed in business, settled at Windsor, Nova Scotia, where he practised as an attorney, and in 1802 was appointed a Judge of that Province. He married Elizabeth Gould Wentworth, their son being Samuel Wentworth Monk, Prothonotary of Montreal from 1815 to 1865, and father of the late Hon. Samuel Cornwallis Monk, Judge of the Court of Queen's Bench, Montreal, father of the late Hon. F. Debartzch Monk, K.C.

John Elmsley, the fifth Chief Justice of Lower Canada, was born in England in 1762 and called to the Bar of the Middle Temple in 1790. He was a nephew of the celebrated London bookseller of that name, and a great friend of the then Duke of Portland, to whom he owed his appointment. He was appointed Chief Justice of Upper Canada in 1796, and bought a house at York, now Toronto, which subsequently became Government House. He succeeded Osgoode as Chief Justice of Lower Canada in 1802 at a salary of £1500 per annum. He died at Montreal in 1805 and was buried in the Old English Burying Ground on the corner of Dorchester and St. Urbain Streets. On his tombstone was the following inscription :

Honorable John Elmsley
Formerly Chief Justice of Upper Canada
And at the time of his death Chief Justice
of Lower Canada.
Died 30th April 1805. Ae. 45.

He was a gentleman of great professional talents and application, as well as of the most amiable demeanour. The Quebec Mercury said at the time of his death : — “His private virtues, not less than his “public talents, for both of which he was eminently “distinguished, will long be subjects of unfeigned “regret.”

He was succeeded by Henry Alcock, who was a member of Lincoln’s Inn, and was called to the Bar in 1791. Upon the suggestion of his friend and predecessor, John Elmsley, he was appointed on the General Commission of the Peace for Upper Canada in 1796 and a Judge of the Court of King’s Bench for that Province in 1798, becoming Chief Justice of Upper Canada in 1802. In 1804, he was granted leave of absence and went to England where he remained until he was appointed in 1806 Chief Justice of Lower Canada. He died at Quebec in 1808. The Quebec Mercury, referring to his death, said : — “In the exercise of his “public duties, he evinced the advantages which attend the forming of a legal scholar at the English Bar ; “and in all the various offices which he filled, he acquitted himself an able judge, distinguished by the “most eminent rectitude and unwearied assiduity. His “memory was retentive; his judgment clear and penetrating; and so profound was his knowledge of “English law, that the energies of his mind cast a “luminous ray over the dark and abstruse code of “provincial jurisprudence. His language was classical “and perspicuous; nor can those who have heard his “judgments, remember them without a mixture at once “of pleasure and regret; in the habitudes of private “life, his manners were those, which are commonly “said to be peculiar to a ‘plain Englishman’; affable “conciliating, unaffected. In a word, his public and

"private virtues will long live in the hearts of both the "old and the new subjects of this Province; and his "death will be felt with a general and unfeigned "sorrow."

A French Canadian newspaper of the day says of him : — "We have scarcely commenced to feel the "precious advantages which the talents and personal "merit of this truly zealous and labourious man had "procured for us when he is snatched away and that "flame which consumed him for our benefit has been "extinguished. The friends of this country highly "regret him and this regret is the praise of a man "who desired only our happiness."

Alcock was succeeded by the great Jonathan Sewell, one of the most remarkable men of his time. Sewell stands conspicuous as a lawyer, and is an ornament to our history, who added the accomplishments of a man of the world to law and politics. Stuart his adversary and enemy and successor in his office also stands out foremost in law and politics. Sewell was born at Cambridge, Massachusetts, in 1766, the son of Jonathan Sewell, last Attorney-General of the Province of Massachusetts. He was educated in England and studied law in New Brunswick, coming to Quebec in 1789, in which year he was admitted to the Bar. In 1793, he was appointed Solicitor-General and Inspector-General, and in 1795 Attorney-General and Advocate-General, being appointed in 1808 Chief Justice of Lower Canada.

A contemporary newspaper recording his death said that "he was eminently distinguished, as well by the force of his natural abilities as by the extent of his acquired talents. He was one of those rare characters of which there are few examples. Gifted with a happy memory, a vivid conception and sound judg-

ment — possessing a perfect knowledge as well of classical literature as of history and law — indefatigable in his application and unremitting attention to public business in his executive, legislative and judicial capacities, he was at once a polished orator and incontestably one of the greatest leading legal characters that America has ever produced.”

The late Sir Francis Johnson, on his installation as Chief Justice of the Superior Court in 1890, called him “the great Jonathan Sewell, the very founder of our procedure, whose judgment in the case of **Forbes vs Atkinson** would alone entitle him to the lasting gratitude of lawyers.” His essay upon the juridical history of France antecedent to the erection of the Sovereign Council of Quebec which he delivered in the form of an inaugural address at a meeting of the Quebec Literary and Historical Society in 1824, is an example of his great erudition. In this essay he impressed upon his hearers the importance and benefit of public lectures to the students of law, which, rightly conducted, he said, awaken the attention of the student, abridge his labour, enable him to save time, guide his enquiries, relieve the tediousness of private research and impress the principles of his pursuit more effectually on his memory. The following extract from this essay makes us realize the condition of the law student of those days : — “The student of law in Canada has no assistance of this description; he toils alone in an extensive field of abstruse science which he finds greatly neglected, and therefore too hastily deems to be despised, and, discouraged from the commencement of his labours, he is left to his own exertions and is compelled to clear and prepare the path of his own instruction, almost without aid of any kind.”

Sewell was no doubt a very proud and haughty

man and was very much disliked. He died in 1839 and was succeeded by the Hon. James Stuart, who was born in 1780, and at the age of fourteen articled to John Reid, Prothonotary of the Court of King's Bench at Montreal. He subsequently entered the office of Jonathan Sewell, then Attorney-General, and was admitted to the Bar in 1801, and commenced the practice of law at Quebec. Four years later he was appointed Solicitor-General and removed to Montreal, but in 1809 was removed from that office by Sir James Craig who complained that Stuart had been positively discourteous without any personal cause; Stuart had never left his name at Government House or attended at the levée held on the King's Birthday, although holding an official position; as a member of the House he had made no attempt to defend the policy of the Executive, had voted affirmatively on the motions directed against the Governor; on one occasion when named on a Committee to wait upon the Governor, he had abstained from being present. Craig, considering that this line of conduct was incompatible with his holding any official position, dismissed him.

In the year 1825 he was appointed Attorney-General and removed to Quebec, but in 1833 was dismissed from that office by Lord Aylmer for certain acts alleged to have been committed during an election in which he was a candidate; for the oppressive collection of certain fees on renewals of notarial commissions, etc., and was subsequently removed from the office by Lord Goderich whose conduct in doing so has since been severely criticized.

In 1831, Stuart, then Attorney-General, writes :—"My professional and official income is considerable; the annual amount of my receipts from professional services and official duties, cannot be less than between four and five thousand pounds."

In the year 1838, Stuart was appointed Chief Justice of Lower Canada and was created a Baronet in 1840. On the recasting of the judicature system he was, in 1849, appointed the first Chief Justice of the Court of Queen's Bench and of Lower Canada. He died at Quebec in 1853. He was a man of great learning, high ability, consummate in the practice of his profession, and of imposing appearance.

"Few public men," says Kingsford, "have left behind them so unenviable a reputation for haughtiness and reserve. His ability and his knowledge as a lawyer remain unimpeachable. It was said of him that he once declared that he had never read a book unless with the view of obtaining information practically of use to him. His application was great, and any subject which as a duty he studied he mastered. But he was without generous sympathy with literature, and his speeches attracted by power and force rather than by literary grace and polish."

Of Sir James Stuart, the author of a sketch which appeared in the American Magazine for 1864, writes:—"He never shrank from announcing and defending his position, but like Dr. Johnson, he was too apt to undervalue the opinions of others and this failing often led him astray. To him the latter part of the motto which he adopted on being created a baronet — '*Justitiae propositi tenax*' — was peculiarly applicable. His mind was a storehouse of rare legal knowledge free from pedantry, yet his dogmas were sometimes advanced in a manner that galled rather than convinced his opponents. In his speeches either in the House of Assembly or in the courts of law he seldom, if ever, condescended to step out of his path to search for adventitious graces or the higher ornaments of wit. He was always massive and often carried his antipathies too

far — even his jests were ponderous. With him wit was a mere implement to prolong the torture of his victims; his maxim generally was to crush at once and forever.” The same author says : — “His brother Andrew, won men’s hearts by his genial manners.”

Stuart had three sons, all of whom succeeded to the title, — Charles James Stuart; Major General Edward Andrew Stuart, and the Rev. James Stuart. The latter died in 1915, the title dying with him.

Monk was succeeded as Chief Justice of Montreal by James Reid who was born in 1769, and admitted to the Bar in 1794, practising at Montreal where he became the leader of the Bar. In 1807, he was appointed a puisne judge of the King’s Bench at Montreal in the place of the Honourable Arthur Davidson, and in 1825 succeeded Monk as Chief Justice of the King’s Bench at Montreal, which office he filled for thirty three years. He retired in 1838, dying at his residence Park House, Montreal, in 1848. A sketch of his career written at the time of his death, says : — “His administration of the Court of King’s Bench shed a lustre alike upon the tribunal and the judge. In the discharge of his judicial labours he was admired for his integrity, firmness and unconquerable industry. “As a judge no man ever possessed more general respect and public confidence during his judicial career, “and well did he deserve it; for no man ever devoted “himself more conscientiously and with more scrupulous fidelity and zeal to the discharge of public duties. “His judgments were admirable for perspicuity of “statement, conciseness and clearness, and without “being eloquent in manner they had the full effect of “the best eloquence. He possessed a patience which “no prolixity could exhaust; an equanimity which nothing could disturb. He had much moderation, united

“with great firmness. His integrity was inflexible; “his principles uncompromising. His professional “learning was extensive. It was the judicial accumula- “tion of fifty years’ steady devotion to the science as “well as practice of jurisprudence. Mr. Reid always “entertained the loftiest notions of the dignity and “utility of the profession, and (while sitting on the “Bench) endeavoured on all occasions to diffuse among “the members of the Bar a deep sense of its importance “and responsibility. His virtue was stern and in- “flexible, adjusted, indeed, rather to the rigorous “standard of ancient morality than to the less elevat- “ed maxims of the modern code. Full of years and “honours he has left behind him an example which “many of his profession may endeavour to imitate, but “very few can hope to excel.”

Hon. Michael O’Sullivan, the next Chief Justice of Montreal, was born in the year 1786. His mother was French and he spoke that language as fluently as English. He was educated at the College of St. Raphael, in the old Chateau Vaudreuil, and subsequently studying law was admitted to the Bar in 1811, and practised at Montreal. He was Lieutenant and Adjutant in the Militia for the District of Beauharnois, and was present at the Battle of Chateauguay in 1813, of which he wrote an account which he signed “Un Témoin Oculaire.” In 1818 he was Associate Counsel with James Stuart and Samuel Gale for Lord Selkirk in his fight with the Northwest Company. In 1821 he formed a partnership with J. C. Grant, and until the death of the latter in 1836 the firm of O’Sullivan & Grant did a leading business. On the 4th of April, 1819, he fought a duel with Dr. William Caldwell. The circumstances of the duel are given in the following extract from a letter written from Montreal on the

11th April, 1819 : — “In consequence of a communication which appeared in the ‘Montreal Courant’ of Saturday 10th instant, signed, “An Active Advocate of an Hospital,” Mr. O’Sullivan sent to demand the Author of Mr. Mower who prematurely gave up the name of Dr. Caldwell; a duel was the result and at six o’clock Saturday morning the parties, with the seconds, having met near the Windmills, five shots were fired by each gentleman; two of them had dangerously wounded Mr. O’Sullivan, Dr. Caldwell has received a shot in the arm which is much shattered.

“Mr. O’Sullivan is a member of the Assembly of the Province for the County of Huntingdon. He opposed in the House this Session, a petition from Montreal for an Hospital there of which Dr. Caldwell was one of the promoters. His speech on this occasion was published and gave rise to some anonymous and personal remarks in the Montreal papers. The publication which produced the challenge was signed “An Active Friend for an Hospital” and appeared in the “Courant.” It contained an allusion derogatory to the personal courage of Mr. O’Sullivan on the occasion of an insult which his friends had been of opinion he could not notice.

“The high and amiable character of Mr. O’Sullivan, the nature of this duel and the possible result of the wounds which he had received have given to this unfortunate affair an uncommon interest both in Montreal and in this City.

“Mr. O’Sullivan was alive when the post came away on Tuesday.”

Mr. O’Sullivan was shot in the body. During his life the ball could not be extracted, but at death it was found in the spine, and must have caused constant and excruciating agony.

In 1829, with Frederick A. Quesnel, he was appointed Commissioner for receiving Evidence. On the resignation of Chief Justice Reid he was appointed on 25th of October, 1838, Chief Justice for Montreal and was sworn in on the 29th of October. He sat but one term, his death taking place at Montreal on the 7th of March, 1839, at the age of 53 years, the Bench and Bar attending in a body at his funeral. He was one of the first lawyers in Montreal who delivered lectures in jurisprudence to law students.

A contemporary said : — "During this short period his demeanour was such as to excite the admiration and unqualified approbation of the Bar — to have won the esteem and to render his death a source of deep and very general regret."

O'Sullivan, who had he not been overtaken by sudden death, would have made a name on the Bench, deserves most honourable mention.

Joseph Rémi Vallières de St. Réal, the silver tongued Vallières de St. Réal, was the next Chief Justice of Montreal. He was born in 1787, and studied law at Quebec in the office of the Hon. Edward Bowen at that time Attorney-General of Lower Canada, and was admitted to the Bar in 1812, and practised at Quebec. In 1825 he was appointed a King's Counsel, and in 1828 appointed Provincial Judge of Three Rivers. In 1842 he was appointed to the office of Chief Justice at Montreal which had remained vacant since the death of Chief Justice O'Sullivan. This office he held until his death took place in 1847. The pall-bearers at his funeral were the Hon. Messrs. Day, Draper, La Fontaine, Gale, Smith and Morin. The Bar attended in a body. He was small in stature and very fine featured. He was admitted by universal consent to be the ablest French-Canadian lawyer of his day in the Province.

On Vallières' appointment as judge, the Quebec Gazette commented upon his appointment in the following terms : — "The appointment affords matter for regret and satisfaction, regret that the Quebec Bar should be deprived of one of its ablest members, and who was so necessary to enable those having cases in the Courts to have the command of the best talents on both sides of a question; regret, that the country in the House of Assembly should be deprived of the services of one of its most efficient members, and satisfaction that an able judge is added to the Bench, who has both the will and the capacity to administer justice according to the established laws of the country, without fear, affection or bias. As respects Mr. Vallières' interests, he has given up a practice worth twelve hundred a year to accept a salary of six hundred."

As Senator L. O. David said of him : — "Vallières' life belongs to tradition, rather than to history; there remains of him only the recollection of his talents in the memory of those who knew him. His contemporaries speak with enthusiasm of his eloquence, of the sureness of his judgment, and of the infinite resources of his mind. They quote thousands of his *bons mots* and witticisms. They say that he was the first advocate of his time; that no one ever went on the Bench with more learning, perspicacity and impartiality..... Like most of the remarkable men of that epoch, Vallières enjoyed besides intellectual gifts, physical advantages. He had fine features, sparkling with life and wit, and a most attractive countenance. He had that fiery soul and solid judgment which makes real orators; a fine and brilliant mind, quick as a flash, the sensibility and imagination of a poet, and an inexhaustible memory. His conversa-

tion was full of bons mots, anecdotes, witticisms and jokes. In his pleadings, his political speeches, and his judgments he used sometimes those apt words and magnificent periods which illuminate a question and reveal the orator and philosopher."

The Bar always attended to hear Vallières give his lectures. He had a most eloquent delivery, which combined with his handsome appearance and silvery voice charmed all who had the pleasure and good fortune to hear him.

Vallières was succeeded by Jean-Roch Rolland, who was admitted to the Bar in 1806, and practised at Montreal where he obtained a large practice. In 1830 he was appointed a Judge of King's Bench at Montreal to replace Judge Foucher. In 1842 he became senior puisne Judge of the Court of Queen's Bench at Montreal, and in 1842 he was appointed President of the Provincial Court of Appeals in all cases of appeal from the Court of Queen's Bench for the district of Quebec. In 1847 he succeeded Vallières as Chief Justice of the Court of Queen's Bench at Montreal, and in 1850 he was appointed to the Court of Appeals, which then became known as the Court of Queen's Bench. He retired in 1855 and was succeeded by the Hon. J. F. J. Duval. He died in 1862.

The Chief Justices of Lower Canada since 1850 have been, Sir James Stuart, Sir Louis H. LaFontaine, Bart., Hon. Jean F. J. Duval, Sir A. A. Dorion, Sir Alexandre Lacoste, Sir Henry T. Taschereau, Sir Louis A. Jetté, Hon. H. Archambault, Hon. G. Lamothe, and the present Hon. E. Lafontaine; and the Chief Justices of the Superior Court (since 1849) have been, Hon. Edward Bowen, Sir William C. Meredith, Sir Andrew Stuart, Sir Francis G. Johnson, Sir Louis N. Casault, Sir Adolphe B. Routhier, Sir Melbourne M. Tait, Sir

François Langelier, Sir Charles P. Davidson, Sir François X. Lemieux, the present Chief Justice at Quebec, and the Hon. John E. Martin, present Acting Chief Justice at Montreal.

The puisne judges of the various Courts of Common Pleas and King's Bench since their establishment until 1850 were,—

In the Court of Common Pleas, Dr. Adam Mabane, John Fraser, John Marteilhe, Francis Mounier, Thomas Dunn, Jean Claude Panet, Gabriel Elzéar Taschereau, William Owen, Edward Southouse, Hertel de Rouville, and Pierre Louis Panet.

The Judges of the Court of King's Bench during that time were, — Thomas Dunn, Jenkin Williams, Pierre Amable De Bonne, Pierre Louis Panet, James Walker, Isaac Ogden, Arthur Davidson, Louis Charles Foucher, James Kerr, Olivier Perrault, Edward Bowen, Pierre Bédard, George Pyke, John Fletcher, Norman Fitzgerald Uniacke, Samuel Gale, Alexis Caron, J. G. Thompson. The judges or Commissioners of the Courts of Requests for the districts of Montreal, Quebec and Three Rivers were Alexander Buchanan, Q.C., André R. Hamel and P. B. Dumoulin respectively.

Adam Mabane was a very prominent figure in judicial and political life under the early English rule in Canada. He was born in Edinburgh in 1734, and, coming to Canada as a surgeon's mate, was employed on the medical staff of the garrison as hospital mate, later on receiving the appointment of surgeon to the garrison. In 1765 he was appointed a judge of the Court of Common Pleas and became a member of the Executive Council. He died in 1792 at his residence "Samos" afterwards known as "Woodfield," near Quebec. He was a close friend of General Haldimand who left him the sum of ten thousand livres, Swiss, re-

vertible to Miss Elizabeth Mabane, his sister, in case she survived him. Abbé Bois, who wrote a short biography of Mabane, says of him : — "He was a good citizen in this colony and the words which Montesquieu spoke of another great citizen could be applied to him; he was a good friend to the fatherland in this country, he would have been so anywhere, because, in whatever country he might have lived he would have conformed to the laws and regulations of the government. It will need many years for justice to be done to his memory."

John Fraser, as has been stated, was a Scotchman of French origin. He had been a captain in the 78th Regiment, and Deputy Paymaster-General, and in 1764 was concerned in the famous assault on Thomas Walker. In 1765 he was appointed a judge of the Court of Common Pleas at Montreal. During the American Revolutionary War he was taken a prisoner and while a prisoner was superseded as a judge, the vacancy on the Bench being filled by William Owen who had been a judge at Detroit. In 1778 he was re-appointed to the Bench to succeed Owen who resigned on account of ill-health. He died in 1795 at Montreal.

John Marteilhe, who was of Swiss origin and a merchant at Montreal, was appointed Judge of the Court of Common Pleas in 1770.

François Mounier was a French Protestant and a merchant at Montreal. He was appointed to the Court of Common Pleas at Montreal in 1765, and died in 1769.

Thomas Dunn was originally a merchant at Quebec. He was appointed Judge of the Court of Common Pleas for Quebec in 1770, and received the same appointment to the new Court of Common Pleas in 1792, two years later being appointed a Judge of the Court

of King's Bench at Quebec. He resigned in 1809, and died in 1818, aged 88. He acted on several occasions as Administrator of the Government.

Edward Southouse was Attorney-General of Quebec in 1775, when he was captured by the rebels. In 1776 he was appointed a judge of the Common Pleas at Montreal, which he resigned in 1789, and went to England.

Réné Ovide Hertel de Rouville was born about 1719 and appointed to the Court of Common Pleas at Montreal in 1777. He sat for the last time on 16th May, 1792, and shortly afterwards resigned, dying in 1792.

Jenkin Williams was a Welsh lawyer who, coming to Canada, received the appointment of Clerk of the Legislative Council. On various occasions he acted as Attorney-General, and in 1780 was appointed Solicitor-General, which office he resigned in 1788. In 1792 he was appointed judge of the Court of Common Pleas at Quebec, and on the reorganisation of the Courts he was appointed a judge of the new Court of King's Bench at Quebec. He retired in 1812 and died in 1819.

Pierre Amable De Bonne was the son of Captain De Bonne de Miselle and descended from the illustrious ducal family of Les Diguères, his father being killed during the Siege of Quebec in 1760. He was for many years a member of the House of Assembly where he displayed great ability as a leader and debater. In 1794 he was appointed a judge of the Court of Common Pleas at Quebec, and in the same year to the King's Bench.

In 1801, Chief Justice Osgoode officially brought De Bonne's conduct before the Lieutenant-Governor. Osgoode's hostility to De Bonne was not entirely attributable to a sense of duty but partly to anger. De

Bonne had not supported him in his dispute with Governor Prescott. He complained that De Bonne had acted in violation of the proceedings of the Court of Appeal, but his chief accusation was in the interest of morality that De Bonne had been engaged in an intrigue with the wife of a Seigneur; the case had come before the courts in an action for reparation in the form of civil damages and in a suit for *séparation de corps et de biens* on the part of the lady. That was evidently the case of Duchesnay against De Bonne to which Osgoode alludes as being of a painful nature, and that a settlement had been arranged by friends but the case had been reopened by De Bonne entering a suit against Duchesnay and the consequent public scandal thence arising. Nothing came of the matter. De Bonne was not only not dismissed but in 1802 was appointed to the Legislative Council and a member of the Court of Appeals. He retired about 1812 and died in 1816 at Beauport, near Quebec. He was the last member of the judiciary to sit in the Assembly.

James Walker was admitted to the Bar of Montreal about 1780, and in 1794 was appointed judge of the King's Bench at Montreal, where he died in 1800, aged 44.

Isaac Ogden was born in 1740 in the then Province of New York. At the time of the American Revolutionary War he was practising as a barrister. He came to Canada and was admitted to the Bar in 1786, in 1792 being appointed Clerk of the Court at Three Rivers, and later to the same position at Montreal. In 1796 he was appointed judge of the King's Bench at Montreal. In 1818 he was granted a leave of absence on account of his health and went to England, where he died in 1824, the vacancy caused by his absence being filled in 1820 by the appointment of the Ad-

vocate-General George Pyke. Ogden was the father of Attorney-General Charles Richard Ogden.

Arthur Davidson was admitted to the Bar in 1765, and in 1800 was appointed a judge of the King's Bench at Montreal to fill the vacancy caused by the death of Judge James Walker, which position he held until his death in 1807.

Louis Charles Foucher was the son of Antoine Foucher, one of the first advocates and notaries of Quebec. He was born in 1760, and was admitted to the Bar in 1787 and for several years was a member of the House of Assembly for the City of Montreal.

In 1790 he petitioned to be protected against the injustice done to him in his practice by Judge Rouville and in the following year proceedings were taken upon his complaint, as well as on the complaint of William and Thomas Taylor against Judges Fraser and Rouville and the Clerk of the Court of Common Pleas at Montreal, John Reid. In September, 1791, Rouville memorialized the Government, stating his services, the suit against him by a young advocate, the papers in which had been sent to the Ministry, and prays that before his death he may have the consolation of learning that he has been justified in the eyes of his Sovereign.

In 1795 Foucher was appointed Solicitor-General, and in 1803 judge of the Court of King's Bench at Montreal.

Shortly after the War of 1812 he visited Philadelphia in company with a party of which Mr. Ogden, who loved a joke, humoured the minds of the Americans who took Foucher for the famous Fouché, Duke of Otranto, Napoléon's Minister of Police.

Foucher was an eccentric impetuous man. He built the house called Piedmont, (afterwards occupied

by the Frothingham family, and later by the late J. H. R. Molson at the head of Durocher Street, abutting on Fletcher's Field, which is still standing overlooking the McGill Stadium). Here he lived with his son-in-law, Hughes Heney. He was fond of fireworks and twice burned himself out by his pyrotechnic vagaries, but after he built this solid mansion he used his barn for a workshop. Once a week he had a grand dinner. A long string of calèches would drive up the narrow lane through the fields bringing his friends and all the curés of the parishes around. Then after dinner was over (they dined at five then) His Honour the Judge would coruscate in rockets and Roman candles while his guests complacently digested upon the verandah. Foucher died at Montreal and was buried in the vaults of Notre-Dame Church on 29th December, 1829.

James Kerr was a native of Leith, Scotland. He was a member of the Inner Temple, and was admitted to the English Bar where he secured the friendship of several men who afterwards distinguished themselves in the legal profession, among others Scarlett, afterwards Lord Abinger, and Best, afterwards Lord Wynford. In 1794, having married, he came to try his fortune at the Quebec Bar and, returning to England in 1796 to bring out his family, he was captured by a French cruiser and taken to France, but speedily exchanged. Coming back to Quebec in 1797 he received the appointment of Judge of the Vice-Admiralty which also allowed him to practise at the Bar. In 1807 he was appointed a judge of the King's Bench at Quebec. In 1833 certain charges were made against him by the Legislative Assembly and on account of certain financial irregularities which developed, he was removed from his office as Judge of the Vice-Ad-

miralty, and as a consequence from his seat in the King's Bench. He died in 1846.

Olivier Perrault was born in 1773 and admitted to the Bar in 1799. He was appointed Advocate-General in 1808, in succession to Jonathan Sewell, and in 1812 became judge of the King's Bench for Quebec, where he died in 1827.

"In spite of his infirmities and his advanced age, he filled with great exactitude the high functions with which he was charged, and has always shown himself a friend of his King and his country."

Edward Bowen was born in 1760 in Ireland, the son of an army surgeon. He came to Quebec in 1797 and studied in the office of Attorney-General Sewell and was admitted to the Bar in 1803. In 1809 he was created a King's Counsel, being the first appointed in Lower Canada. In 1803 he was appointed Attorney-General, and in 1812 a puisne judge of the King's Bench, which office he held until 1849 when he was appointed the first Chief Justice of the Superior Court under the new system, which office he held until his death in 1866.

Pierre Bédard was born in 1763 and admitted to the Bar in 1790. He was one of the founders of the newspaper "Le Canadien," and was incarcerated by the government for admitting into its pages some violent political articles reflecting on the conduct of the Governor-General and the Executive. He remained in confinement and demanded a trial so as to exonerate himself from the charges preferred against him, although at perfect liberty to leave his imprisonment. In 1812 he was appointed Provincial Judge of Three Rivers, and died there in 1828. He was the father of Elzéar Bédard appointed judge of the King's Bench at Quebec in 1838.

George Pyke was born at Halifax in 1775, where he studied law, and was admitted to the Bar of that Province. In 1800 he came to Lower Canada and was appointed Deputy Clerk of the Crown at Three Rivers. In 1812 he was appointed Advocate-General and removed to Quebec where he had an extensive practice. In 1816, he was appointed law clerk of the Legislative Council, and in 1820 became judge of the King's Bench at Montreal, which he held until 1842 when he retired, and died at his residence Mont Victoire at Vaudreuil in 1851. "He had all the qualities of a good judge, who performed his duties with assiduity, and was liked and respected by the public." He was the first in Canada to publish a volume of legal decisions known as "Pyke's Reports." He had a son, George Pyke, for many years Deputy Prothonotary of the Superior Court, whose son, Henry Pyke, was in later years a clerk in the Prothonotary's office at Montreal.

John Fletcher was born in England in 1787 and was admitted to the English Bar where he enjoyed an extensive practice. He came to Canada in 1810 and was immediately admitted to the Bar and practised at Quebec where he was for many years one of the leading members of the profession. In 1823 he was appointed Provincial Judge of the district of St. Francis. He died in 1844.

Norman Fitzgerald Uniacke was born in 1777, the son of Hon. Richard John Uniacke, Attorney-General of Nova Scotia. In 1809 he was appointed Attorney-General in Lower Canada in which position he did not give satisfaction. Chief Justice Sewell and Judges Williams, De Bonne and Kerr being asked to report as to his fitness for that position reported that they considered his knowledge of criminal law very superficial;

his knowledge of civil law often defective, and that he possessed little acquaintance with the French language and consequently they did not consider him qualified for the office. Judge Reid stated that having been absent from the Province during the sitting of the only court when Mr. Uniacke had any business to manage he was unable to report on his efficiency. Chief Justice Monk and Justices Panet and Ogden also reported that they had hardly had a chance to judge of his efficiency but did not think that he quite came up to what the attorney-general should be. In 1810 he was suspended and granted leave of absence. He was, however, reinstated in this position which he held until 1825 when he was appointed a judge of the King's Bench at Montreal. As a result of an accident his left leg was amputated in 1818. He resigned in 1834 and returned to Halifax and was appointed Judge of the Supreme Court of that Province, which position he occupied until he died in 1846, aged 69.

A French-Canadian newspaper of the day says :— "During his stay among us Judge Uniacke made himself noticeable by his independent and liberal spirit which drew to him the confidence and esteem of the Liberal party. He performed his duties with the dignity and integrity befitting the character of a public officer scorning all the petty intrigues so often employed by our opponents to accomplish their purposes. It only needed that to draw on him the hatred of the Tory party which brought upon him the annoyance which forced him to leave this Province."

The Royal Gazette of Nova Scotia referring to his death said : — "The death of this venerable and faithful servant of the public will be deeply regretted by the inhabitants of the Province generally. In the exercise of his official duties, the prerogatives of the

Crown, the rights of the subject and the claims of humanity were steadily kept in favour by him."

Samuel Gale was the son of Samuel Gale, acting Paymaster-General of H. M. Forces in the Southern Province, now the United States, and subsequently Secretary to the Governor-General, General Robert Prescott. He was born in 1783 and admitted to the Bar in 1808. In 1817 he was one of Lord Selkirk's Counsel and accompanied him to the North-West.

During the stormy controversies between some of the Governors in the House of Assembly he adhered strongly to the side of the Government, as did most of the inhabitants of Lower Canada of British origin, and he represented that part of the population in England when Lord Dalhousie was attacked for his conduct in this country. This was in 1831 when Dalhousie sent him to London to afford correct and circumstantial information respecting Canada. Gale put it in writing and sent a copy to Dalhousie to be forwarded officially.

In 1834 he was appointed judge of the King's Bench at Montreal. His appointment to the Bench caused some excitement at the time, opposition being made on the ground that he was not a French Canadian and that in politics he was a partisan of Dalhousie, but there was no denial of his qualifications and he was strongly recommended for the appointment by Chief Justice Reid. Previous to his appointment to the Bench he had been an active and energetic politician and in that capacity wrote a series of remarkable letters for the Montreal Herald under the signature of "Nerva." He retired in 1848, and died in 1865.

The first Provincial Judge of Gaspé was Felix O'Hara. He was admitted to the Bar in 1788, and ap-

pointed Provincial Judge of Gaspé in 1794. He was succeeded by William Crawford, who died in 1821, his successor being Alexis Caron, K.C., who had been appointed a King's Counsel in 1812, and who died in 1827. Judge Caron was succeeded by James G. Thompson, Quebec, who had been admitted to the Bar in 1814, and had practised at Quebec.

The Hon. Dominique Mondelet, a son of Jean-Marie Mondelet, was born in 1799 and admitted to the Bar in 1820, and appointed a King's Counsel in 1832. "In that year, a vacancy having occurred on the Bench at Quebec, on the decease of Mr. Justice Taschereau, his brother-in-law, Mr. Panet, in consideration it was supposed of his political services to the Executive, was promoted to the vacant judgeship, by which his seats in the Legislative Council and Assembly were vacated. His place in the Executive Council was filled by Mr. Dominique Mondelet, a young man and but recently returned for the County of Montreal. This appointment of a young gentleman of no parliamentary experience, though of promising abilities, gave offence to the Assembly, and it was determined to vacate his seat in that House in consequence of it. No objection, it is to be observed, had been started against Mr. Panet's acceptance of the offer; on the contrary, it had been rather favourably taken than otherwise by the Assembly who now, however, viewed the matter in a different light." (Christie's History of Lower Canada, Vol. 3, p. 444). The Quebec Gazette, commenting on the action of the Assembly, said : — "The Hon. Mr. Panet was exactly similarly circumstanced during the last session, but no objection was taken against his seat; his appointment was indeed loudly applauded by those who have objected to Mr. Mondelet's appointment. Mr. Mondelet is punished for doing what he

could not possibly know was wrong, for doing precisely what Mr. Panet was praised for doing last winter, by several of those who voted for his losing his seat." A later writer, Mr. Alfred D. DeCelles, in his interesting work *Papineau-Cartier*, refers to this incident as follows : — "Some are inclined to think that the presence of one or two ministers in the House of Assembly was ministerial responsibility in embryo, and that the full responsibility would have promptly resulted therefrom. Such was also the opinion of Cartier expressed in Parliament in 1854, when he blamed Papineau and his friends for having expelled from the Assembly Dominique Mondelet who had been called to the Governor's Council..... In the House and in the Council his (Mondelet's) services might have been of use, but party spirit ran so high at the time that his appointment suggested a betrayal. It was one of the paradoxes of the period : Our Patriotes never ceased complaining of the fact that all the remunerative posts were given to the English, and yet no sooner did a godsend of the kind fall to the lot of one of their own men than they raised the cry of 'Treason' !" In 1834 Mondelet was President of the Advocates' Library. Mondelet conducted, with C. D. Day, afterwards Solicitor-General and a judge, the prosecution on the part of the Crown of the political prisoners at the General Court Martial held in 1838. The late Sir Francis Johnson, then a student-at-law, acted as translator to this Military Tribunal, of which he said, "and my hand recorded and my tongue translated every word of the evidence that was given in those cases." The Counsel for the defence were Lewis T. Drummond, later Solicitor-General, Attorney-General and a judge; A. P. Hart and Pierre Moreau. He was a member of the Special Council of Lower

Canada from 1838 to 1840. During the suspension of Mr. Justice Vallières de St-Réal he was appointed, in 1839, Assistant Judge at Three Rivers, and, in 1842, Resident Judge of that district. He died in 1863. In 1826, he wrote a translation of Thomas Moore's Canadian Boat Song. His brother, Charles Joseph Elzéar Mondelet, who was born in 1801, was admitted to the Bar in 1822, and practised for some time at Three Rivers, removing to Montreal in 1830, when he formed a partnership with the late C. S. Cherrier. He was an active politician before ascending the Bench, and was twice arrested in 1837-8 for political offences, but was never brought to trial. He was a sound jurist and a most affable gentleman in social circles. In 1842, he was appointed District Judge for Berthier, l'Assomption and Terrebonne, and two years later was transferred to the Circuit Court at Montreal. In 1849, he was appointed Judge of the Superior Court, and, in 1859, Assistant Judge of the Court of Queen's Bench. In 1855 he was one of the judges of the Seigniorial Court. He died in 1876. In 1823, he wrote, in collaboration with Mr. William Vondelvenden, a member of the Bar of Montreal, of Belgian origin, an Analytical Essay on Milton's Paradise Lost. He also wrote "Lettres sur l'Education Elémentaire et Pratique," published in 1841.

In 1834, Mr. L. H. LaFontaine, afterwards Chief Justice of Lower Canada, published a pamphlet entitled : " Les Deux Girouettes, ou l'Hypocrisie Démasquée " in the form of a letter of 75 printed pages addressed to " Dominique & Charles Mondelet, Ecuyers, Avocats " with the object of exposing their opinions and political acts, and the changes which had so suddenly taken place in their principles. In this pamphlet, which is very rare, Charles Mondelet is accused

of always being under the guidance of Dominique Mondelet, and that he only thinks and acts by and through Dominique Mondelet. Four years after both Mr. La-Fontaine and Mr. Charles Mondelet were arrested and incarcerated in the Montreal gaol, and in a joint letter addressed to the Editor of "Le Canadien" on the 14th December, 1838, they requested the publication of letters addressed by them to Sir John Colborne protesting against their illegal arrest and detention, which that paper published under the caption "Une page pour l'Histoire." (See Appendix).

The Panet and Taschereau families have given many distinguished members to the Bar.

Jean Claude Panet, who was one of the first judges of the Court of Common Pleas for the district of Quebec, was born in Paris in 1720 and came to Canada in the year 1740 as a soldier in the marine service. In 1776 he was appointed judge of the Court of Common Pleas but resigned in 1778. His son, Jean Antoine Panet, born in 1751, became a notary in 1772 and an advocate in 1773. He was member for Quebec in 1792 and the first Speaker of the Assembly. In 1794 he was appointed judge of the Court of Common Pleas, but in consequence of the new Judicature Act, which was passed in that year by which he was obliged to reside in Montreal, he resigned and was replaced by his cousin, Pierre Louis Panet.

The Hon. Jean Antoine Panet died in 1815. "Mr. Panet began his career in life by the profession of advocate and notary, in which he acquired by his probity and talents so exclusive a share of the public confidence that he frequently terminated the different suits in which he was engaged by amicable arrangement, thus doing away with court proceedings. His talents were not confined to the duties of his profes-

sion. He was well acquainted with the interests of the Province, and zealous in promoting them. His influence and ability contributed materially to the obtaining of the present Constitution. He was chosen Speaker of the Assembly in the first Provincial Parliament. In 1794, having been appointed one of the judges of the Court of King's Bench, he resigned the Speaker's Chair as incompatible with his new situation; but shortly after, it being determined that his residence was to be at Montreal, he resigned his seat on the Bench and was again elected Speaker of the Assembly in the second Parliament. Every succeeding House of Assembly till the present, conferred upon him the same honour; and during the 23 years that he filled the Chair of the House, he acquitted himself of the duties of Speaker to the entire satisfaction of the Members, which was expressed in the unanimous vote of the Assembly during the last Session. He was again returned member at the last General Election, but prevented from taking his seat by ill-health, and by the Royal mandamus calling him up to the Legislative Council. The Province is deprived, by his death, of a Councillor whose knowledge, firmness and rectitude might still have rendered important services; and his fellow citizens lose a most respectable member of society whose merits were precious in all its relations." His son, Philippe Panet, born in 1792, admitted to the Bar in 1817, was in 1832, appointed judge of the Court of King's Bench at Quebec and subsequently promoted to the Court of Appeals, dying in 1855.

Pierre Meru Panet, brother of Jean Antoine Panet, was born in 1731, also in Paris, came to Quebec in 1746, received a commission of advocate and practised at Montreal until 1778, when he was appointed judge of the Court of Common Pleas for Quebec. He resigned

in 1784 and died at Montreal in 1804. His son, Pierre Louis Panet, it was who succeeded Jean Antoine Panet. He was born in Montreal in 1761; became an advocate in 1780; was Clerk of the Court of Common Pleas for several years, and subsequently Joint Prothonotary of Quebec. In 1795, he was appointed judge of the Court of King's Bench at Montreal, where he died in 1812. A journal of the day recording his death, said : — "In him his associates on the Bench will have to lament a coadjutor second to none in ability, knowledge and integrity; his family a parent and friend, whose character was their honour, protection, and example; and the community an individual, whose virtue and services as a judge and member of the Legislature of this Province, and whose humanity and benevolence in every relation of life, have entitled him to their highest respect and gratitude."

The first of the Taschereaus to sit on the Bench was Thomas Jacques Taschereau who came from Touraine and who was appointed to the Conseil Supérieur in 1755. His son, Gabriel Elzéar Taschereau, was appointed judge of the Court of Common Pleas in 1777, and his son, Jean Thomas Taschereau, a judge of the Court of King's Bench in 1827 (died in 1832). The latter's son, Jean Thomas Taschereau, born in 1814, was admitted to the Bar in 1836; on several occasions he acted as Assistant Judge of the Superior Court, to which he was appointed a judge in 1850. He was raised to the Court of Queen's Bench in 1873 and to the Supreme Court of Canada in 1875, and died in 1893, being succeeded in that Court by his cousin, the late Sir Elzéar Taschereau, who subsequently became Chief Justice of that Court. He was the father of the late Sir Henry Thomas Taschereau, Chief Justice of the Court of Queen's Bench, and

of the present Premier and Attorney-General of the Province of Quebec, the Hon. Alexandre Taschereau, K.C. Another of the family, Joseph André Taschereau, born in 1806, became Solicitor-General in 1845, and Judge of the Superior Court in 1857.

The McCord family gave several judges to the Bench : Judge John Samuel McCord, father of David Ross McCord, K.C., of Temple Grove, who founded the McCord Museum; and William King McCord, father of the late Judge Thomas McCord.

Another family which has given its share of judges to the Bench is the well known Loranger family. I refer to the late Hon. Thomas J. J. Loranger, his brother the Hon. L. O. Loranger, and the latter's son, the present Mr. Justice Louis J. Loranger. The late J. M. Loranger, Q. C., a distinguished member of the Bar, was the brother of the two older judges.

I shall mention only a few of the many eminent men who have been connected with the administration of justice and the Bar of Lower Canada, such as :—

Francis Maseres, that acute reasoner and legal luminary; William Grant, afterwards Sir William Grant, Master of the Rolls; Henry Blackstone, the son of Sir William Blackstone, the distinguished commentator of the laws of England, who was for many years Coroner of Quebec; Joseph François Perrault, for many years Prothonotary of the Court of King's Bench for the district of Quebec; Andrew Stuart, at one time Solicitor-General; Justin McCarthy, author of *Dictionnaire de l'Ancien Droit du Canada*; Louis Moquin, one of the leaders of the Bar at Quebec, at whose funeral the Bench and Bar attended in a body, and who was eulogized by Chief

Justice Sewell from the Bench; Louis Plamondon, also of Quebec; Stephen Sewell, K.C.; Joseph Bédard; J. R. Rolland; Charles Richard Ogden, Solicitor-General and Attorney-General; J. C. Grant, K.C.; Toussaint Pelletier; William Walker; Alexander Buchanan, K.C., for a time Judge of Court of Requests, father of the late Judge G. C. V. Buchanan of the Superior Court; Henry Driscoll; Thomas Gagy, Joseph J. F. Duval, K.C., later Chief Justice; B. C. A. Gagy; Thomas Cushing Aylwin, later Judge; L. H. LaFontaine, afterward Chief Justice; Henry Black, afterward Judge of the Court of Vice-Admiralty and his successor in that office, George Okill Stuart, Editor of Stuart's Reports; John Rose, afterward Sir John Rose, Bart.; C. S. Cherrier, Q.C.; William Badgley, Christopher Dunkin, Lewis T. Drummond, the three later being raised to the Bench and others.

Francis Maseres was born in 1731. He was a member of the English Bar, and in 1766, was appointed Attorney-General of Quebec. On his return to England he was made Cursitor Baron of the Exchequer, and died in 1824. He was a prolific writer, and was the author of : "An Account of the Proceedings of the British and other Protestant Inhabitants of the Province of Quebec in order to obtain a House of Assembly"; "The Canadian Freeholder, consisting of Dialogues between an Englishman and a Frenchman settled in Canada", and "Occasional Essays on various Subjects chiefly historial and political." He lived in Mitre Court at the same time as Charles Lamb, who refers to him in his Essays and Letters. His later manner of life was uniform. A great part of the year was spent in chambers, dining in the Temple Hall in term time, and the remainder of the year at his country seat.

"In stature the Baron was rather below the aver-

age height. His dress was uniformly plain and neat, and he retained to the last the three-cornered hat, tye-wig and ruffles, and his manners were in correspondence with those of a gentleman of the last age." Masères lived in No. 16 Mitre Court Building. Lamb, who describes him in his essay on the Old Benchers of the Inner Temple, says that he (Lamb) lived "a pistol shot off Baron Masères."

Sir William Grant, another great man connected with Canada, and third Attorney-General of the Province of Quebec, was an eminent lawyer, born in 1754, and a member of Lincoln's Inn. He was appointed Attorney-General in 1776. His stay in Canada was not long, and on his return to England he was later appointed Master of the Rolls, and died in 1832.

During the absence of Henry Kneller he acted as Attorney-General and in 1776 on the appointment as Attorney-General of James Monk at that time Solicitor-General in Nova Scotia, he returned to England. Sir Guy Carleton, Governor of Quebec, thus wrote in these terms to Lord Germaine on his departure : — "Your Lordship promised to take the first fit occasion to recommend Mr. Fraser and Mr. Grant. I believe Mr. Grant will not avail himself of. I understand he means in future to trust to his abilities in his profession at home, and I think he will succeed very well without troubling your Lordship. I meant not to serve him, but Government, by his appointment."

"Shortly after being called to the bar, Mr. Grant determined to prosecute his profession in Canada. He arrived at Quebec at the critical period when it was threatened with a siege by General Montgomery; and he is reported to have assisted at the military works, and performed the duties of a volunteer with the utmost intrepidity. In the course of a few years, he was

appointed His Majesty's Attorney-general for that Province. After a time, he determined to return to the more extended sphere of the courts of Westminster, and, shortly after his return, obtained a seat in the House of Commons. At the general election in 1790, he was returned for Shaftesbury. In 1791 he distinguished himself in a debate relative to the laws of Canada, and in 1792 made a most able, acute and logical speech in defence of the ministry, on the subject of the Russian armament. After this, his preferment was rapid; he obtained a silk gown, as king's counsel, with a patent of precedency; in 1793 he became a serjeant-at-law; and in the same year was appointed a Welsh Judge, when a new writ was ordered for Shaftesbury on the 20th of June, and he was not re-chosen. However, on a vacancy for Windsor, which occurred in the following January, he was elected for that borough; he was at that time Solicitor-general to the Queen. In 1796 he was chosen knight in Parliament for the county of Banff. In 1798 he was appointed Chief Justice of Chester; in 1799 he succeeded the late Lord Redesdale as Solicitor-general; and on the 20th of May 1801, in consequence of the promotion of Sir Pepper Arden to be Chief Justice of the Common Pleas, he was nominated Master of the Rolls. He continued the member for Banffshire during four parliaments, until the dissolution of 1812; and held the situation of Master of the Rolls to the year 1817, when he retired with an annual pension of £4,000."

"Sir William Grant possessed a rare and admirable assemblage of various intellectual talents. The gravity which became his station was united with a lively strength and vigour of understanding. Reserved and sparing in words, he was in thought quick, acute and penetrating. Diligent and laborious in the discharge

of his high duties, he executed them with a facility truly surprising. His judgments, in few but chosen words, touched at once the great points of the case, affording a clue to all its intricacies and enlightening all its obscurities. His calm and dignified self-possession was perhaps, in some measure, constitutional; it may have been produced by a happy temperament, in which passion was lost in the pure exercise of the reasoning faculty. But whether natural or acquired, it was certainly of invaluable service toward the proper exercise of his judicial functions."

François Joseph Cugnet, celebrated juriconsult and feudist, was a Councillor of the Conseil Supérieur under the French Régime. In 1760 General Murray appointed him Attorney-General and Commissioner of the Military Tribunal, and he subsequently became Secretary of the Executive Council. He practised law and his opinions, which were highly regarded, were in method and clearness equal to those of French lawyers of reputation. He published "*Observations sur le plan d'Acte du parlement proposé par M. François Masères.*" He was also the chief compiler of the "*Extrait des Messieurs*" on the reform of the Coutume de Paris which was published in 1773 after having been revised by Sir James Marriott, Advocate-General, and Attorney-General Thurlow, and Solicitor-General Wedderburn. He also published in 1775 "*Traité des Anciennes Lois, Coutumes et Usages de la Colonie du Canada*" et "*Traité des Fiefs.*" He died in 1789. His son, Joseph François Cugnet, was French Secretary and French Translator of Laws.

Alexander Gray, who was appointed Attorney-General in 1789—to replace Monk, died in London on 7th December, 1791, where he had gone on public business. The Gentleman's Magazine, referring to his

death, said : "This gentleman's death is the more to be regretted, as from his abilities and knowledge of the people, he would have afforded considerable assistance to the Government in forming the intended code of laws for the Province of Canada. He came to England for that purpose."

Michel Amable Berthelot d'Artigny was admitted to the Bar in 1771, and appointed judge of the Court of Common Pleas in 1791. He died in 1815 aged 77. At the time of his death he was senior of the Bar at Quebec. A Quebec newspaper announcing his death said : "This respectable gentleman in the various public situations which he filled, unceasingly applied his talents and influence in promoting the general welfare of the province, and of the individuals who had recourse to him, with a zeal and disinterestedness rarely excelled." His son, Amable Berthelot d'Artigny, was a famous bibliophile. He was born in 1777, admitted to the Bar in 1799, and practised law for some years at Three Rivers, returning to Quebec. He was for a time member of the Provincial Parliament. In 1820 he went to Paris and lived there for five years and then returned to Quebec. He went back to France and lived there from 1831 to 1833, and died at Quebec in 1847.

Robert Russell was one of the first English lawyers to practise at Montreal. Little is now known of him save that he was born in 1758, admitted to the Bar in 1779, and died in 1803.

Stephen Sewell, for many years leader of the Montreal Bar, was the second son of Jonathan Sewell, Sr., Attorney-General of Massachusetts, and was born in 1770. He was admitted to the Bar in 1791, and when, in 1809, James Stuart was dismissed from the office of Solicitor-General he was given the appointment, but in

the following year lost it in consequence of having incurred the enmity of Sir George Prévost, then Commander-in-Chief and Governor-General, who ascribed to his pen a series of letters which appeared in the papers criticising his conduct. Sewell denied being the author of these letters, but without avail. He was appointed a King's Counsel in 1827, and was one of the founders of the Advocates' Library of Montreal in that year, and was elected its first president. He was one of the founders of the Natural History Society, and a Commissioner for the building of Christ's Church, on Notre Dame St. His death took place in 1832, the year of the great cholera epidemic. He and James Reid did the leading business in Montreal, and he was regarded very highly on account of his legal ability and respectable character. In 1805, a visitor to Montreal notes that Sewell's income from his practice was from £600 to £800 a year, while Mr. Reid, had a still more remunerative practice. At the time of his death he was the Doyen of the Bar of Montreal.

David Ross, Q.C., a prominent member of the Bar practising at Montreal, was born in 1770. He was the son of John Ross, who had been a volunteer with the 78th Highlanders under Wolfe at Quebec, in 1759. He was admitted to the Bar in 1792, and appointed a King's Counsel in 1811, being the second King's Counsel in Canada. In 1824 he memorialized the Government, stating his services, and praying to be appointed a puisne judge, when Chief Justice Monk wrote to the Judges asking them to report Ross's qualifications for a seat on the Bench. The Judges appear to have written Ross enclosing Monk's letter, and saying that they could not make a recommendation as they did not wish to interfere with the views of the Crown. Ross died in 1837 at Montreal. He married Jane Da-

vidson, daughter of the Hon. Arthur Davidson, Judge of the King's Bench at Montreal. Ross's daughter married the late Judge John Samuel McCord, of Montreal. Ross's brother, John Ross, was for many years Prothonotary of the Court of King's Bench for the District of Quebec.

Joseph Bédard was admitted to the Bar in 1796, and appointed a King's Counsel in 1828. At the time of his death in 1838 he was the Doyen of the Bar of Montreal. He was a brother of Judge Pierre Bédard. "He acquired a deserved reputation for his great integrity and his deep knowledge of jurisprudence, so much so that his opinion was almost an authority."

Pierre Vézina, K.C., of Three Rivers, was born in 1772, and admitted to the Bar in 1798. He was appointed a King's Counsel in 1824 and died in 1852 at Three Rivers.

The Hon. Denis Benjamin Viger was born in 1774 and admitted to the Bar in 1799. He was for many years a member of the Legislative Assembly. In 1833 he went to London and laid charges against Attorney-General James Stuart, who as a result was dismissed from his office. He was appointed Legislative Councillor, and died in 1861 at Montreal. The Hon. Louis Michel Viger, called the "Beau Viger", was a brother of the Hon. D. B. Viger. He was admitted to the Bar in 1807, and took a leading part in the Rebellion of 1837. He subsequently became Receiver-General. He was a very handsome man, and very eloquent, and a great orator. His voice was so powerful that it was said that when he was pleading in the Court House his voice could be heard on St-Paul Street.

Benjamin Beaubien, of Montreal, was born in 1777, admitted to the Bar in 1801, and died in 1834. A contemporary newspaper, speaking of his death, said :

"In his private life Mr. Beaubien distinguished himself by the amenity of his character, a frugal and sober life, and a great activity. In his profession he was remarkable for the assiduity with which he looked after the matters entrusted to him, and by the learned researches on which he supported his opinions. Thus was he either consulted or employed in all difficult matters, and on more than one occasion his clients had reason to praise his services and ability." He lived in the house still standing on St-Gabriel Street facing the Champ de Mars. Next door to him lived the Hon. Toussaint Pothier, "Le Beau Pothier" aristocrat of the Hudson's Bay Company. He was, according to Coffin, "a French-Canadian gentleman, brave, gay, polite, ready for any exploit in court or camp." His house on St-Gabriel Street, which still stands, is now occupied by the Chambre de Commerce.

F. X. Bender and D. B. Rollin were both distinguished members of the Bar in the early part of the 19th Century. Bender was admitted to the Bar in 1803. Rollin was born in 1786, admitted to the Bar in 1814, and died in 1846. "He was for a long time one of the most distinguished members of the Montreal Bar. His amiable qualities, his invariable cheerful temperament and the witty remarks with which he adorned his conversation, had attracted to him many friends who learn with sorrow of his premature death."

George Vanfelson, of German parentage, was born in 1784, and admitted to the Bar in 1805. He was Advocate-General for several years, and in 1850 was appointed judge of the Superior Court, and was one of the thirteen Judges who sat on the Seigniorial Court in 1855.

Andrew Stuart, confessedly one of the ablest men Canada ever produced, was the brother of Chief Justice

James Stuart. He was born in 1786, and admitted to the Bar in 1807. In 1810, he defended Judge Bédard then exposed to a State prosecution, and from that time to his death his assistance was sought for in every difficult and important case that occurred. In 1838, he was appointed Solicitor-General, but was prevented by ill-health from taking any very conspicuous part in the business before the Courts. He died in 1840. His pleading is said to have been conducted with great eloquence, sometimes highly impassioned, and it was remarkable for the use he made of general principles. He was for many years a member of the Assembly for the Town of Quebec. In 1832, he published "A Review of the Proceedings of the Legislature in the Session of 1831." In 1838, he was sent to England at the instance of the Constitutional Association for the purpose of promoting the re-union of the Provinces of Upper and Lower Canada. He was a great *littérateur*, and read many papers before the Literary & Historical Society of Quebec. In a sketch of his life he is described as "A gentleman who had long held the first rank at the Quebec Bar — who, by his solid learning, superior natural talents, and honourable character, would have been equally distinguished in any country." His reference to Judge Bédard in the Review of the Proceedings of the Legislature, etc. is very fine. "The Colony, relieved from all the expenditures incident to the external defence and security from foreign violence and aggression which press so heavily upon independent states, had advanced so rapidly in wealth, as to be able, in 1810, to pay the whole of the expenditures of its Civil Government. The official men who in colonies constitute a peculiar class, having been entirely uncontrolled, had obtained a degree of power which overshadowed all the other

classes of society; and the main object to the highly patriotic individual who introduced this measure originally in 1810, the late Hon. Mr. Justice Bédard, then advocate at the Bar of Quebec, was to obtain a check upon the official class. As a reward for this patriotic effort, this man distinguished as he was for ability, for singleness of heart and for a devoted attachment to constitutional principles, was, with some of his supporters, lodged in the common jail for the District of Quebec, under the authority of an Act for which he himself had voted, granting extraordinary power to the Executive for the purpose of repressing sedition; an Act introduced in the first instance, amidst the terrors of the French Revolution and continued as it were by routine after its necessity had ceased. I would willingly weave a garland to place upon the stone which presses upon the mortal remains of one, whom alive I loved, and whose memory I shall ever revere; but it would not be fitting to cast it amidst the thorns and brambles of controversy."

The late Henry Stuart, Q.C., City Attorney of Montreal for many years, and grandfather of Sir Campbell Stuart, was one of his sons. Another son was the late Chief Justice Sir Andrew Stuart of Quebec, father of the late G. G. Stuart, K.C., of Quebec.

An oil painting of Andrew Stuart painted, by A. Plamondon, as well as one of his brother, Chief Justice Stuart, hangs in the Hall of Archives at Ottawa, having been bequeathed to the Canadian authorities by the late baronet, the Rev. Sir James Stuart.

Pierre Joseph Godefroy de Tonnancour was the son of Pierre André Godefroy de Tonnancour and was born in 1788. He was admitted to the Bar in 1809 and appointed Coroner of Three Rivers in 1826, and died in 1828. His mother, Elmire Berthelot, after his

father's death, married, in 1801, Henry Blackstone, who became Sheriff of Three Rivers in 1799. In 1805, for some inattention to his duties he was deprived of his office but continued to reside at that place until 1811, when he was appointed Coroner of the district of Quebec, which position he held until his death in 1825, aged 62. Blackstone was educated at Oxford, and was a man of great ability. He came to Canada in 1797.

John Boston was a Scotchman, who, coming to Canada, was called to the Bar in 1810. In 1838, he was appointed a Queen's Counsel and in 1839 was appointed, with H. E. Barron, Joint Sheriff of the District of Montreal. He was subsequently associated with Colonel William Foster Coffin in that office. He was President of the Advocates' Library for the years 1833 and 1835. He died in 1862.

Louis Plamondon, born in 1785, was admitted to the Bar in 1811, and practised at Quebec. He was Inspector-General of the Royal Domains. He gave lectures in law to the law students.

"On 3rd November, 1826, Mr. Plamondon, professor of law, made his inauguration speech in the presence of the Bar, of the members of the medical profession, of the law students, and a great number of citizens. He gave a learned exposition on the origin of courts of justice in this province, of the different codes of law which succeeded it, and of the means which have produced a regular system of practice in all the courts in the province. His principal object is to teach the students the practice by principles, leaving to them the theory of the law. The audience showed the greatest attention, and testified its high opinion of the talents and knowledge of Mr. Plamondon. This gentleman enjoys an excellent re-

putation as orator; he is also a profound juriconsult; the benefits which the combination of these two qualities promises cannot fail to attract the acknowledgment due to his work and his enterprise, worthy of a true citizen. We should add that Mr. Plamondon gives a course of law gratis, which will take away from the envious, if a man so generally esteemed can have any, the power of attributing interested motives to the learned professor."

He died in 1828, aged 43. The Quebec Gazette said of him: "Mr. Plamondon's mind was of a superior cast, and it had been early cultivated with care; his literary acquirements were extensive; in his profession he was fast attaining a high rank, and it is believed, he acquitted himself in his public office of Inspector-General of the King's Domain to the general satisfaction. Those who knew him in private life will long remember the agreeable satire of his wit, always tempered with good nature."

Charles Richard Ogden, son of Judge Isaac Ogden, was born in 1791 and studied law at Montreal. "On being called to the Bar in 1812 he commenced his practice at Three Rivers. Subsequently he returned to Montreal, and entered into partnership with Mr. Alexander Buchanan, of that City. The firm became eminent in the profession, and the members of it enjoyed a very large and lucrative practice." In 1815, he was appointed a King's Counsel, and, in 1818, he was appointed to act as Attorney-General for the District of Three Rivers. In 1823, he was appointed Solicitor-General, and in 1833, Attorney-General for Lower Canada. From the date of his appointment until 1837 he resided in Quebec, but in that year the breaking out of the Rebellion made it his duty to proceed to Montreal, where he continued to reside until the Union of the

Provinces in 1841. He retired to England in 1842 and being called to the English Bar accepted the Attorney-Generalship of the Isle of Man, and was in 1857, appointed to the office of District Registrar at Liverpool, and held both these appointments at the time of his death. In a sketch of his life it is said : "As a public officer Mr. Ogden performed his duties, often of the most arduous and trying nature, boldly, fearlessly and impartially; and that he fulfilled them to the satisfaction of his Sovereign and Her Advisers is manifest from the important offices successively conferred on him, and the high trust reposed in him and never disappointed. In the conduct of cases before the Court of Criminal Jurisdiction he was singularly successful, and this mainly because, while he was earnest in enforcing the law, he never forgot that justice should be administered in mercy. As a member of the Assembly of Lower Canada he was bold and uncompromising in his advocacy of what he believed to be the right, speaking plainly what he thought in the face of overwhelming majorities, respected and even liked by his bitterest political opponent for his manliness and honesty, his frankness and good temper. On the dark and troublous days and deplorable events between 1837 and 1841, and Mr. Ogden's relations to them, it is unnecessary to comment here : a quarter of a century has since passed away and we may leave them to the historian; he had a most difficult and painful duty to perform, and, we believe, few could or would have performed it better. Whatever differences of opinion may have existed as to the policy which he was called upon to carry out, one thing at least is beyond a doubt — in the readjustment of affairs after the storm was passed he exerted himself strenuously to secure just rights to all classes of Her Majesty's

subjects. In private life Mr. Ogden was an amiable and estimable man of genial and fun-loving temperament, fond of frolic, and happy at a joke, kind and liberal to all under him or about him and never forgetting a friend or a service rendered, he had that power most essential to a public man, and possessed most remarkably by the greatest, of distinguishing those able to do good service and attaching them firmly and affectionately to him. He died in February, 1866, aged 75.

Louis Moquin was born in 1786. For a time he studied medicine, but gave it up for the study of law, and was admitted to the Bar in 1813. He was a lawyer of great reputation, and died in 1825. A contemporary newspaper said of him : "This gentleman by his education, abilities, application and character, had reached a very high eminence as a member of the Quebec Bar. He was one of the few persons whose loss is seriously felt beyond the circle of his family and friends. Mr. Moquin's death is a public loss." His funeral was attended by the Bench and Bar in a body, and subsequently Chief Justice Sewell rendered from the Bench the following tribute : "The death of Mr. Moquin will long be remembered with sorrow and regret by all to whom the due administration of justice and the honour of our profession are objects of concern. He was distinguished by his talents, and his attainments, by the rigid integrity of his conduct in the exercise of his duty as a barrister, which cannot be too highly praised, and his earnest zeal for the interests of his clients, which was always conspicuous, justly obtained for him the esteem, respect and approbation of all who knew him, and we shall not be thought to exceed the limits of our duty when we recommend him as an example to those who are

left to pursue the professional path which he has trod with so much credit. We all know how deeply the loss of Mr. Moquin is deplored by the Bar. Be assured, gentlemen, it is equally deplored by the Bench."

James Charles Grant, K.C., the son of John Grant of Lachine, agent for the North West Company, of the family of the Grants of Glenmoriston, was admitted to the Bar in 1814, and in 1822 formed a legal partnership with Michael O'Sullivan. He was appointed King's Counsel in 1835.

In 1828 he was selected to go to Great Britain as a commissioner to plead the cause of the Church of Scotland in Canada before the General Assembly of the Church of Scotland and His Majesty's Government, for a grant of a portion of the waste lands of the Province set apart for the maintenance of the Protestant clergy, known as the "Clergy Reserves." His mission was successful. On the 31st December, 1828, the friends of the Church of Scotland gave a dinner to him at the Mansion House, at which thirty or forty persons were present. Dr. Caldwell presided, with Mr. John Boston, advocate, as Vice-Chairman. Mr. Grant was congratulated on the success of his mission and on the able manner in which he maintained the interests of dissentients. He died after a brief illness on November 25th, 1836. It was at a meeting of the Constitutional Association held on the 18th November, 1836, at Grant's house that resolutions were passed demanding Lord Gosford's recall and recommending the union of the two Provinces of Upper and Lower Canada. A few days later Grant died suddenly, aged 45 years. The Gazette of the following day said:—"It is with most unfeigned regret that we announce the death, last evening, of James Charles Grant, Esquire, advocate of this City. The short illness to which Mr.

Grant has fallen, did not, till yesterday, appear to be dangerous, and the sudden change from the stirring activity of life to the painful tranquility of death, could not fail to have produced the fearful gloom which pervades the circle of his acquaintances. As a friend, many can bear witness to his open-heartedness and generosity, as a politician, he was strictly consistent and zealous in forwarding the interest of his party — as an advocate, he was upright and unblemished, — as a man and a citizen he was esteemed and respected. Mr. Grant was a native of this Province, had arrived nearly to the seniority of the Montreal Bar, and received from Lord Aylmer, a short time prior to His Lordship's departure, his commission as a King's Counsel."

Samuel Wentworth Monk was the son of Judge Monk of Nova Scotia, and a nephew of Chief Justice Monk of Montreal. He was born in 1792 and was admitted to the Bar of Nova Scotia in 1813, and to that of Lower Canada in 1814, but never practised. In 1815 he was appointed one of the Prothonotaries of the Court of King's Bench for the District of Montreal, which position he held for fifty years. During the Session of the Provincial Parliament in 1817 he was committed by the Assembly to the common gaol during pleasure for an alleged contempt for having refused to exhibit certain records in his possession which he was ordered to produce by the Special Committee appointed to investigate the case against Judge Foucher. Parliament was prorogued and the Court of King's Bench granted a writ of habeas corpus and he was discharged upon the ground that by the prorogation he was discharged. He died in 1865. He was the father of Judge Samuel Cornwallis Monk for many years puisne judge of the Court of Queen's Bench at

Montreal. His portrait is among those hanging on the walls of the Court House, Montreal.

Toussaint Peltier was admitted to the Bar in 1816. He was the first Batonnier of the Bar of Montreal, being elected in 1849 and re-elected in 1850. He was for many years Counsel for the City of Montreal. He died in 1854. He was noted for his wit. His nephew was Joseph Fereol Pelletier, who was admitted to the Bar in 1834, and subsequently became Counsel for the Corporation of the City of Montreal.

François Roy was admitted to the Bar in 1816, and died in 1829, and was buried in Notre Dame Church. Louis H. LaFontaine studied law in his office. The late Rouer Roy, Q.C., City Attorney for Montreal for many years was his nephew. (1).

The Hon. Andrew William Cochran, of Quebec, was born in 1792, in Nova Scotia. He came to Quebec and served as Civil Secretary under several of the Governors. He was admitted to the Bar in 1817, and the following year was appointed to act as Advocate-General. He was appointed a King's Counsel in 1828. He was appointed to the Executive Council, and sat as President of the Court of Appeals as well as acting as Assistant Judge of the Court of King's Bench for Quebec, and for some time conducted the business of the

(1) Rouer Roy was the son of Joseph Roy, member of the Provincial Assembly, and was born in 1821 and admitted to the Bar in 1842. In 1838 he was indentured to Solicitor-General Michael O'Sullivan, and on his death studied law in the office of Henry Stuart, Q.C., with whom he subsequently entered into partnership. He was appointed a Queen's Counsel in 1864, and was for many years City Attorney for Montreal. In 1887 he was elected Batonnier of the Montreal Bar, and in the following year Batonnier-General of the Province. He died in 1905. He had acquired a reputation both as a jurist and a scholar. Besides French and English, he had an extensive knowledge of Greek, Latin and Italian.

Crown in the Criminal Court at Quebec. He died in 1849.

André Rémi Hamel was admitted to the Bar in 1818 and practised at Quebec. In 1831, he was appointed Advocate-General. In 1834 he was censured by the Legislative Assembly for having, in his quality of public officer, advised the Executive to intervene in a Court presided over by a Returning Officer. A meeting of the Bar of Montreal was held on the 27th February, 1834, in the Advocates' Room in the Court House under the presidency of Mr. Benjamin Beaubien, the oldest member present, the other members present being A. Buchanan, W. Walker, C. Sweeney, H. Taylor, D. Fisher, A. P. Hart, F. Griffin, Arthur Ross, N. C. Radiger, James Smith, John Boston, D. Mondelet, J. C. Grant, J. S. McCord, J. Guthrie Scott, Charles T. Greece, P. Moreau, H. O. Andrews, and James Scott, when resolutions were passed that it was with feelings of regret and indignation that the Advocates of the Bar of Montreal having learned that on the 18th February instant the Legislative Assembly of this Province resolved that André Rémi Hamel, Esquire, Advocate-General, had been guilty of an infraction of the rights and privileges of the Assembly in having given, as one of the officers of the Crown, an opinion to the Governor-General, on the subject of a certain election on which it was ordered that Mr. Hamel should be taken in charge by the Sergeant-at-arms and brought before the Bar of the House to be censured by the Speaker and that in the opinion of the meeting the resolutions of the Legislative Assembly and the arrest and censure of Mr. Hamel at the Bar of the House was an undue exercise of the power usurped and a violation of professional immunity which is necessary for the protection of the individual reputation as well as for the de-

fence of private and public rights. In 1838, he was appointed a Commissioner of the Court of Requests for the District of Quebec, and died suddenly while on circuit in 1840. He had been created a Queen's Counsel in 1839. The Quebec Gazette announced his death as follows :—

“It is with regret that we have to announce the death of A. R. Hamel, Esq., Advocate-General of Lower Canada, and one of the Commissioners of the recently constituted Court of Requests in this Province. He died in the Township of Leeds, County of Megantic, on the 23rd of March instant, where he had gone to hold the Court for that County. He found himself unwell in the afternoon and died in the night, it is supposed from an apoplectic attack. Mr. Hamel was a lawyer of respectable talents and honourable character. In all the relations of private life he was most exemplary. His death is a new subject of affliction to the Quebec Bar, and coming so soon after the loss of Andrew Stuart, it is the more severely felt by his fellow citizens generally, who had a deep interest in the talent and respectability of the profession.”

William Walker was one of the most distinguished members of the Montreal Bar. He was born about 1797, and in 1819 was admitted to the Bar. In 1835 he was sent to England by the English party to present their grievances in the House of Commons. “Walker, a barrister of reputation, was charged with the duty of presenting the Montreal petition and in April 1835, he started for England.” In June 1837, he gives notice that he has “established his office in the first storey of the building erected by Mr. Devins on Notre Dame St., adjoining the Court House, and immediately in front of the dwelling of the late J. C. Grant, Esq.” His Executors were S.

W. Monk, James Smith, R. Jones and H. Perkins. He was a man of small stature, and lame, his lameness being due to a duel with another lawyer named Sweeney, his leg having been shattered between the ankle and the knee. He lived on St-Paul Street near where the Mansion House stood. In 1841 he started the "Montreal Times", which was the first English newspaper in Lower Canada to advocate Responsible Government. He was a man of varied accomplishments, a linguist and a scholar. As an editorial writer he ranked high, and as a lawyer and orator his reputation was great. He was in the habit of dictating an editorial to one of his law students, and often concurrently dictated a legal opinion to another, advising a client or reading a book between the intervals. He died in 1844 at Montreal.

Alexander Buchanan, Q.C., of Montreal, was born in 1798, and admitted to the Bar in 1819 (1). He practised at Montreal, and eventually became the leader of that Bar. In 1835, he was appointed King's Counsel, and the same year Commissioner to determine with the Commissioners of Upper Canada, the boundary line between Upper and Lower Canada. In 1838, he presided over the Commission appointed to enquire into the case of the State prisoners confined in the Montreal Gaol. He was five times President of the Advocates Library; 1836-1838-1841-1842 and 1843. From 1838 to 1841 he was Judge of the Court of Requests for the District of Montreal. From 1840 to 1845 he was Crown Prosecutor at Montreal. In 1842, he was appointed the President of the Commission to enquire into the feudal and seigniorial system in Lower Canada, and in the same

(1) He studied in the office of Mr. Andrew Stuart, at Quebec, being indentured to him on 27th April, 1814.

year President of the Commission appointed to revise and consolidate the Acts and Ordinances of Lower Canada. He was associated at different times in legal partnership with the Hon. James Stuart, afterwards Chief Justice; with Attorney-General Charles Richard Ogden; later with the late Sir Francis Johnson, and with Henry Ogden Andrews, Q.C. He died in 1851. In a newspaper of the time recording his death we find : "The deceased gentleman was one confessedly at the head of the profession which he adorned in learning and in intelligence. As a feudist and a publicist he has no equal. His was a finely cultivated and nobly informed mind. Without much fluency of speech he was earnest and logical, and perhaps if he spoke less it was because he reflected more. Learned, thoughtful and unassuming, to ask his opinion was as nearly as possible to get at the truth. It is to be regretted that beyond a few detailed consultations he has left so little memorials of his great powers." At his funeral Judges Rolland, Aylwin, McCord, the Hon. Messrs. McGill and Molson, and Sheriff Boston, were the pall bearers. Mr. Meredith, Q.C., afterwards Chief Justice, termed him 'that justly eminent lawyer'." (1).

"The profession which he so much adorned in his lifetime, could not but have felt that they were honouring themselves in paying this slight tribute of respect to his memory. He will still live in the remembrance of those who had the good fortune to know

(1) "M. Buchanan a laissé une nombreuse descendance. Son petit-fils, ainsi que son arrière-petit-fils MM. A. W. P. Buchanan, C.R., et Erskine Buchanan, sont avocats à Montréal. C'est, je crois, la seule famille dont les membres aient été inscrits au Barreau de Montréal, sans interruption, depuis la fondation de la Bibliothèque, en 1828." From *Esquisse Historique du Barreau de la Province de Québec*, par M. J. Maréchal-Nantel, avocat, Bibliothèque du Barreau de Montréal (1924).

him. We all feel that a master's spirit has gone from among us, and may scarcely hope to possess so ripe a scholar or jurist again for long years to come. "La Minerve" said of him that conscientious studies, an unerring judgment and great assiduity for work had raised Mr. Buchanan to the first rank of jurists of the Canadian Bar. Few men have been so much esteemed as Advocates, and few men have had, in private life, so many friends." (1).

The Hon. Henry Black, C.B., Q.C., of Quebec, was born in 1799. He studied law in the office of Andrew Stuart at Quebec, and was admitted to the Bar in 1820. "Educated for the Bar, he gave early promise of the possession of talents of the highest order; and although he ascended at a bound to the highest rank in his profession, he through the modesty and gentleness of his demeanour disarmed envy, and he had not been long at the Bar before he was retained in many cases of importance." He was made a King's Counsel in 1836, and appointed a judge of the Court of Vice-Admiralty in 1838, and a member of the Special Council in 1840. As a reward for his public services he was created a Companion of the Order of the Bath. He died in 1873.

Hon. Clément Charles de Sabrevois de Bleury was born in 1798 and admitted to the Bar in 1819, and was for many years a notable figure in politics, and in the military and social circles of Montreal. In 1837 he was appointed a member of the Special Council. It was a daily sight to see Beau Bleury, as he was then called, and his pretty wife, dressed in the height of

(1) Another of his junior partners was John Bleakley, who was born in 1804 and admitted to the Bar in 1830. In 1847 the firm was Buchanan, Bleakley & Andrews, their office being at No. 27 Little St. Antoine Street.

fashion, driving through the principal streets of Montreal in their handsome tilbury, with its gleaming silver-tipped pole, and spirited horses with jingling bits and chains. He died in 1862.

The Hon. Barthélemy Conrad Augustus Guky was a most interesting character. (2). He was the eldest son of Col. the Hon. Lewis Guky, Sheriff of Montreal, from 1827 to 1837. He was admitted to the Bar in 1822, and practised first at Montreal, subsequently going to Quebec. In 1827 he was interdicted by Judge James Kerr from practising in the Court of Vice-Admiralty, and as a result sued the latter for damages, Andrew Stuart and Henry Black being his

(2) The first Guky to come to Canada was the Hon. Conrad Guky, a Swiss officer in the French Army, who was born in 1730, became a member of the Executive and Legislative Councils of Lower Canada, and died in 1786, unmarried. His brother, Barthelemi Guky, Colonel of the Sonnenburg Regiment, was a Knight of the Order of Military Merit in the service of Louis XVI. In 1792, he and his men refused to serve under the National Assembly and he left France, coming to Canada acquiring property at Machiche. His son was the Hon. Lewis Guky, Sheriff of Montreal from 1826 to 1840. "Born of Swiss extraction, in Pau, he entered the French Army and served in the 2nd Regiment of Swiss Guards, of which his father a Knight of the only Military Order then accessible to Protestants, was Colonel. On the breaking out of the Revolution, the Swiss adhered to the Royal cause, and being disbanded Guky emigrated. He subsequently took possession of the Estate acquired by his uncle, an officer serving in the British Regiment, at the Conquest of Canada." He died in 1840. He was the father of the Hon. Bartholomew Conrad Augustus Guky; Thomas Guky, a promising young lawyer, who practised law for a short time with Charles R. Ogden, and died at Leghorn, in 1825, aged 28 years, his remains being interred in the same vault with those of Smollett the author; Anne Amella married to S. W. Monk, Prothonotary of Montreal, and died in 1834, aged 36 years; Maria Elizabeth, who married William Stevenson, of Quebec, and died in 1878 aged 77 years; Louisa Bowen married to James Guthrie Scott, Advocate, of Montreal, and died in 1844 aged 39 years; and Julia, who married Thomas William Willan, Advocate, of Quebec, and died in 1843.

Counsel, while the Attorney-General Olivier Perrault and the Hon. F. W. Primrose appeared for Judge Kerr. The action was dismissed. He was a member of the Assembly for many years, and attacked Judge Kerr in that House, praying for his impeachment. At one time he was Inspector of Rural Police for the District of Montreal, and for some years was Adjutant-General of the Militia. He was a remarkable man of many accomplishments, and an advocate of ability. In appearance he was tall and well-built, with an agreeable presence. In a curious and terrible article entitled "The Modern Pious Aeneas and his Trojans, or Lieutenant-Colonel Guky and the Demonstrations of the Unemployed" Grattan's celebrated philippic of one of his contemporaries, "In the courts a liar, in the City a firebrand, in the press a libeller, in the street a bully, on the field a coward" is made to apply to Guky. This article, which was attributed to Thomas W. Willian, a Quebec barrister, who married Guky's sister, accuses him of being "a noted common barrator moving suits by straw plaintiffs, as the modern parricide who hastened his parents to the grave, sought to incarcerate his father, sold him out by auction, ruined him by falsification of his accounts and a series of unmatched contrivances of the swindler, and insulted his mother's funeral, at which he paraded himself in a bottle green cut-away coat." He is further charged with being "an habitual wine-bibber and secret drinker, and a wholesale opium-eater, of having stabbed Judge Thompson, used foul play on the ground to Hart at Quebec, and Grant at Three Rivers, and refused the challenges of McCord and Ryland. In 1853 Christie, the historian, who knew him, wrote: "Mr. Guky, though as a public speaker much of a mannerist, approaching indeed to affectation, enjoys nevertheless,

the reputation of an acute, cool and able debater in Parliament, as well as of a sound, just and skilful practitioner in the Courts of law."

He died in 1876. He was involved in considerable litigation in connection with his father's affairs which led to a number of libel suits which he instituted against various individuals and newspapers. Gagy himself says: "My father's affairs have involved me in litigation; I have consequently been engaged in upwards of one hundred lawsuits and have lost the ear of the Court." He wrote a number of pamphlets regarding his family affairs and concerning his litigation with his neighbour, William Brown, of Beauport, which lasted for twenty years and involved more than twenty lawsuits, twelve appeals before the Court of Appeals, and at least four before the Privy Council. Some of these pamphlets are, "How I lost my Money — An Episode in my Life," (n.d.), "Legal Intelligence," (n.d.), "Hon. Mr. Justice Stuart," (n.d.), "Facts Disclosed in some Unreported Cases published for the Public Good by a Victim," (n.d.), "The Beauties of the Administration of the Law in Quebec and the Benefit conferred upon the Community by the Selection of the Best Judges as Exemplified in the case of William Brown vs Bartholomew Conrad Augustus Gagy during upwards of Fifteen years of Litigation," (n.d.), "Some Remarks on the Pamphlet of William Foster Coffin, Esq.," (1855), "Une Explication adressée à mes Concitoyens de toutes les Origines," (1871).

Côme S. Cherrier was born in 1798 and called to the Bar in 1822. He was at different times in practice with L. M. Viger, Charles Laberge, Charles Mondelet, and with the late Sir Antoine Aimé Dorion. He was made Queen's Counsel in 1842. He represented the seigniors before the Seigniorial Court in 1855 and published a

memorial containing a resumé of the pleadings on the questions submitted by the Attorney-General for the decisions of the Judges of the Court of Queen's Bench and of the Superior Court. He died in 1885.

The late Sir Wilfrid Laurier in a sketch of the life and work of Sir Antoine A. Dorion, written for "The Week," said:—"In 1838 the future Chief Justice of the province of Quebec, then in his twentieth year, came to Montreal to read law, and entered the office of Mr. C. S. Cherrier, a leading member of the Bar of Lower Canada. In these early days there arose between the eminent barrister and his young pupil a friendship which time only more and more cemented, and which, indeed, could not but exist between two such men. Mr. Cherrier was, himself, an exceptional character. He hardly was of our age, hardly of our continent. He seemed the anachronistic incarnation of one of those remarkable figures, strong and withal charming, which adorned the Parlement de Paris in the 17th century; a man of inflexible principles, but of invarying kindness of heart; of liberal instincts, but of conservative habits; of austere piety and of the most chivalrous disposition; of exquisitely Attic wit, and of childish simplicity."

The Hon. Francis Ward Primrose, Q.C., practised law at Quebec for many years. The present Lord Rosebery is his nephew. Primrose was born in 1785 and died at Quebec in 1860. He had been a member of Lincoln's Inn and had sat in the English House of Commons. He attended at the trial of Queen Caroline. He came to Canada and was admitted to the Bar in 1822, subsequently obtaining an appointment under the Government with the title "Inspector General of the Royal Domain," which gave him the management of all government seigniories, and the collection by him

of the feudal dues payable to the Crown. He was also the Solicitor for the Bank of Montreal and Clerk of Her Majesty's Land Roll or Papier Terrier. He was created a Queen's Counsel in 1842.

John Samuel McCord was born in 1801 and admitted to the Bar in 1823. In 1857 he was appointed Judge of the Superior Court and died in 1865. The Montreal Gazette referring to his death said of him: "Although not standing foremost among the members of our Bench and Bar, he has yet proved an eminently useful and painstaking judge whose decisions have uniformly stood the test of appeal more successfully than those of most other men upon the Bench. Few or none of them have, indeed, been altogether set aside."

William Badgley, Q.C., of Montreal, was born in 1801, and admitted to the Bar in 1823. He was a Commissioner of Bankrupts for the District of Montreal from 1840 to 1844, in which year he was appointed a District Judge, both of which offices he resigned in 1847, when he was appointed a member of the Executive Council and Attorney-General for Lower Canada. In 1855 he was appointed a Judge of the Superior Court and occupied this position until 1863 when he was transferred to the Court of Queen's Bench.

"During a long judicial career, he was distinguished for astuteness, industry, and learning, and the many opinions which he prepared, more especially in commercial causes, remain to bear witness to his high qualifications for judicial office. Infirmary of hearing, under which he laboured during the greater part of his lifetime, finally compelled his withdrawal from the Bench in 1874. He retired with great reluctance, as he felt himself otherwise fully qualified to continue the discharge of his duties. After his resigna-

tion, he opened an office as Consulting Counsel, and gave opinions in a number of cases." He died in 1888.

Jean François Joseph Duval was another very eminent member of the Quebec Bar. He was born in 1801, called to the Bar in 1823. He was appointed King's Counsel in 1835, and in 1839, Assistant Judge of the Court of King's Bench. In 1852, he was appointed Judge of the Superior Court, and in 1855, was raised to the Queen's Bench, where he sat as a puisne judge until 1864, when he was promoted to the Chief Justiceship of that court. He retired in 1874, and died in 1881.

Henry Peard Driscoll, Q.C., was born in Dublin in 1792, where his father Timothy Driscoll was a King's Counsel. He was educated at Trinity College, and was intended for the Irish Bar, but entered the Army as ensign in the 67th Regiment, with which regiment he served in Spain. He later became lieutenant in the 100th Regiment, and came with that regiment to Upper Canada, where he served. The regiment being disbanded, he went into journalism, becoming editor of the Montreal Herald, at the same time studying law. He was admitted to the Bar in 1823. At one time he gave lectures on jurisprudence to law students. It is related of him that shortly before his call to the Bar an action for libel had been taken against him as Editor of his paper. Four days after his admission the trial came on before a jury. He defended it alone, having pitted against him the most eminent counsel, and defended it so well that he virtually won it, the jury bringing in a verdict for a few shillings. He was appointed a Queen's Counsel in 1838, and a Police Magistrate in 1840. About 1848 he ceased practising in the civil courts, confining his attention to his duties of Crown Prosecutor, which, with exception of several

years when he acted as an Assistant Judge of the Superior Court, while the Seigniorial Court occupied the attention of the regular judges, he exercised until 1860. In that year he deemed it advisable to resign his commission as Queen's Counsel. In 1867 he was appointed Prothonotary of the Superior Court for the District of Ottawa, and died in 1869.

Frederick Griffin, Q.C., was the son of Robert Griffin, who, for many years, was Cashier or Treasurer of the Bank of Montreal. He was born in 1798 and admitted to the Bar in 1824, and was for many years Solicitor to the Bank of Montreal. He was appointed a Queen's Counsel in 1854 and died in 1879. He lived on the East side of St. Gabriel St. between St. James and Notre Dame Streets next door to the house occupied by the Hon. Samuel Gerrard, President of the Bank of Montreal, whose house was afterwards occupied by William Workman and eventually sold to the Provincial Government and was until recently the office occupied by the Montreal East Registry Office. Both these houses are still standing. He was the author of a book entitled "Junius Discovered."

Aaron Ezekiel Hart who was admitted to the Bar in 1824 was the first Jew to be admitted to the practice of law in Lower Canada. Other members of the Hart family to be admitted were Aaron Philip Hart, admitted to the Bar in 1830, who practised at Montreal where he distinguished himself at the Bar, dying in 1843. Adolphus Mordecai Hart was admitted to the Bar in 1836, and had a large practice between 1840 and 1850, when he moved to the United States, and died in 1879.

There were several members of the Bruneau family at the Bar previous to 1850. Denis Macaire Bruneau in 1821; François Pierre Bruneau in 1822;

Jean Casimir Bruneau in 1825, and Théophile Bruneau in 1829.

Duncan Fisher, Q.C., of Montreal, was born in 1800. He was admitted to the Bar in 1826, and in 1837 was appointed one of the Commissioners to enquire into the state of the political prisoners in the Montreal gaol. He was appointed a Queen's Counsel in 1842, and died in 1845.

Hon. Charles Dewey Day was born in 1806, admitted to the Bar in 1827, and created a Queen's Counsel in 1837. In 1838 he was appointed Deputy Judge-Advocate with the Hon. Dominique Mondelet, Q.C., at the State Trials in Montreal. He was a member of the Special Council of Lower Canada from 1838 to 1840, Solicitor-General from 1841 until his appointment to the Bench as a Judge of the Superior Court in 1850; a Commissioner for the codification of the civil law of Lower Canada from 1859 until the completion of that work in 1866. He retired from the Bench in 1862, and died in 1884.

Ebenezer Peck was born in 1805 in the State of Maine, and was educated in the State of Vermont. He was admitted to the Bar of Lower Canada in 1827, and was member of the Legislative Assembly for Stanstead from 1830-1834. He was made a King's Counsel in 1833. In 1838 he removed to Chicago, where he subsequently was elected to the State Senate, became clerk of the Superior Court, a reporter of that Court, and a judge of the Court of Claims. He died, in 1881, at Chicago.

James Smith, of Montreal, was born in 1806, and admitted to the Bar in 1828. In 1844 he was appointed Attorney General of Lower Canada, being created at the same time a Queen's Counsel. In 1847 he was appointed a Judge of the Court of Queen's

Bench, and in 1854 was one of the Judges who sat on the Seigniorial Court. He resigned and died in 1868.

Among other prominent members of the Bar of the district of Quebec were, Joseph Levasseur Borgia, of Italian origin, B. A. Panet, Robert Christie, Justin McCarthy, John Gawlor Thompson, Philippe Panet, Louis Lagueux, J. E. Bacquet, Charles Panet, François Romain, Hector S. Huot, William Power, A. Polette, J. U. Ahern, S. Lelièvre, F. O. Gauthier, J. N. Bossé, Jean Chabot, John Maguire, Dunbar Ross, L. de G. Baillargé, J. E. Turcotte, of Three Rivers, Louis Edouard Pacaud, one of the first lawyers of the Eastern Townships, J. A. Panet, John Buckworth Parkin, François Réal Angers, L. A. Cannon, F. X. Lemieux, Charles Alleyn, Joseph Delagrave, P. J. O. Chauveau, Auguste Soulard, Pierre Légaré, Charles Gates Holt, Télesphore Fournier and M. A. Plamondon.

Thomas Cushing Aylwin had a brilliant career as a lawyer, politician and judge. He was born in 1806, and in 1828, was called to the Bar and speedily earned the reputation of a very clever advocate. In 1842, he was appointed Solicitor-General for Lower Canada. Kaye, in his *Life of Lord Metcalfe*, says of him: "Mr. Aylwin bore the reputation of the best debater in the Assembly; a man of infinite adroitness and lawyer-like sagacity, skilled in making the worse appear the better reason, and exposing the weakness of an adversary's case". In 1848 he was appointed judge of the Court of Queen's Bench.

"This learned and talented gentleman, regarded as one of the cleverest members of the Bar, and since his accession to the Bench as one of its most brilliant ornaments. Since his elevation to the Bench people have had more opportunities to witness the greatness

of his abilities and attainments, and his arguments have always been conclusive and have excited much admiration."

"His career as a judge was singularly brilliant. Not only in his judgments in civil cases was he pre-eminent for eloquence of expression and conclusiveness of argument, but in the presidency of the Crown side of the Court he gained a wide celebrity. Many of his charges were remarkable specimens of forensic eloquence, and were delivered in both the English and French languages with equal fluency and perspicuity. One of his distinguishing characteristics was the rapidity with which he made up his mind. It seemed impossible for him to be undecided for a moment, and having formed his opinion, apparently without the slightest hesitation, he adhered to it with the greatest tenacity, and supported it by the most admirable logic." He died in 1871.

Augustin N. Morin was born in 1803 and admitted to the Bar in 1828. He was the author of the pamphlet "*Lettre à l'honorable juge Bowen*" on the legal use of the French language in Canada. In 1826 he founded "*La Minerve*" and was its editor for about 10 years. He was returned as a member of the Provincial Assembly in 1830, and took part in all the great discussions and questions of the day. In 1834 he was deputed by the Assembly to carry their petitions on the state of the Province to the Hon. D. B. Viger, then in England, and to sustain the latter in his representations before the English Ministry. In 1842 he was appointed Commissioner of Crown Lands, and in 1848 elected to the Speakership of the House, and remained in that position until 1851, when jointly with the late Sir Francis Hincks as the Premier, they formed the Hincks-Morin Government. In 1855 he was appointed

a Judge of the Superior Court, and in the same year a member of the Commission for codifying the laws of Lower Canada. He died in 1865.

Louis Hypolite La Fontaine was born in 1807, and admitted to the Bar in 1829. In 1842 he was appointed Attorney-General of Canada, and in 1853 Chief Justice of the Court of Queen's Bench. He was created a Baronet in 1854, and died in 1864. He is described by a writer of his day as follows: "We can note the well-remembered muscular figure, the imperturbable manner; the square Napoleonic face, the massive brow, unruffled by a wrinkle, the silent bearing, offspring of thought and gloom — 'for he was for gravity renowned'."

Hon. George Okill Stuart, Q.C., of Quebec, was born in 1807, and admitted to the Bar in 1830. In 1834 he published the volume of law reports known as "Stuart's Reports," and in that year entered into partnership with his uncle James Stuart (afterwards Sir James Stuart) which lasted until the latter's appointment to the Chief Justiceship of Lower Canada in 1838. He was named a Queen's Counsel in 1854 and in that year was appointed a Judge to discharge the duties as such pending the session of Judges of the several courts under the Seigniorial Act of 1854. In 1858 he published a volume of Admiralty Reports. On the death in 1873, of Mr. Henry Black, Q.C., Judge of the Court of Vice-Admiralty, he received that appointment. He died in 1884.

Henry Ogden Andrews, Q.C., of Montreal, was born in 1818, and admitted to the Bar in 1830. He was a nephew of the Hon. Charles Richard Ogden, and for some years was junior in the firm of Ogden, Buchanan & Andrews. When Mr. Ogden retired the firm was continued as Buchanan & Andrews, until

1848, when Mr. John Bleakley was admitted, the firm becoming Buchanan, Bleakley & Andrews. He was made a Queen's Counsel in 1867, and died in 1884, at Leamington, England.

Georges Etienne Cartier, one of the first statesmen of Canada, was born in 1814, and admitted to the Bar in 1835. He took part in the Rebellion of 1837-8 with Papineau, Viger, Morin and Nelson. In 1856, he was appointed Attorney-General of Lower Canada, and took an active part in the plan for Confederation. In 1868, he was created a baronet, and died in Quebec in 1873. He wrote several poems, among others "O Canada, mon Pays, mes Amours".

William Collis Meredith was born in Dublin in 1812. He came to Canada in 1824, and was admitted to the Bar in 1836. He was appointed Queen's Counsel in 1844. He practised at Montreal for many years with the late Strachan Bethune, Q.C., and the late Judge Dunkin. In 1852, he became a Judge of the Superior Court, of which he was appointed Chief Justice in 1866. He retired in 1884, was knighted in 1886, and died in 1894. He was the father of one of our ex-batonniers, Mr. F. E. Meredith, K.C.

"When at the Bar, Chief Justice Meredith practised rarely in the criminal court, but his consulting practice, particularly in seigniorial and commercial cases, was very large. He was engaged in a universally large number of important civil cases, and the firm of which he was the senior partner, Messrs. Meredith, Bethune and Dunkin, enjoyed, it is believed, the most extensive practice in the Province of Lower Canada. We may add that the Judges of the Judicial Committee of the Privy Council have spoken in the highest terms of the decisions of Chief Justice Meredith." The Legal News thus referred to him:—"The late Chief Justice was a

diligent advocate and judge, and conscientious and painstaking in the performance of every duty. The opinions delivered by him from the Bench have always been cited with the greatest respect, and many of them are models of what a judicial opinion should be. They excel in clearness, are ample without ceasing to be concise, and bring light and satisfaction to the reader."

Lewis T. Drummond was born in Ireland, in 1813, and came to Canada when twelve years of age. He was called to the Bar in 1836 and "so keen and brilliant were his abilities as a student, that he was chosen to defend the Rebels of 1837-38 and did so with marked success." He was created a Q.C. in 1848 and was Solicitor-General for Lower Canada from 1848 to 1851, when he became Attorney-General of Lower Canada. "As Attorney-General for Lower Canada, in the Canadian Legislative Assembly in which he was a member for sixteen years, he carried through the Seigniorial Tenure Bill. In 1864 he was raised to the Bench as a puisne judge of the Court of Queen's Bench, retiring in 1873. He was a very clear headed judge and a very witty Irishman, and fond of citing anecdotes." He died in 1882.

François Réal Angers, of Quebec, was born in 1813 and admitted to the Bar in 1837, and was reporter of the parliamentary debates in the House of Assembly of Lower Canada before the Union. With Thomas J. Loranger he defended the case of the Censitaires before the Seigniorial Court. From 1851 until his death in 1860, he was one of the editors of "*Décisions des Tribunaux du Bas-Canada*". He wrote several poems, and in 1837 published "*La Révélation du Crime, ou Cambray et ses Complices: Chroniques Canadiennes de 1834*".

Adam Thom was born in Scotland, and educated at King's College, Aberdeen, where he graduated M.A. in 1824. In 1832 he came to Canada, and in 1835 established and was first editor of *The Settler*. He was subsequently editor of the *Montreal Herald* in 1836-38. He studied law with Mr. J. C. Grant and was called to the Bar in 1837. The celebrated report of Earl Durham on the state of British North America was drawn up by Mr. Charles Buller, with, it is said, the assistance of Thom, who was considered to be the chief author of the report. Under the nom de plume of "Camillus" he wrote, in 1836, the memorable Anti-Gallic Letters addressed to Lord Gosford. He was the first Recorder of Rupert's Land, and father of the Bench and Bar of Western Canada.

Francis Godschall Johnson, of Montreal, was born in 1817, and admitted to the Bar in 1839. Owing to his mastery of French he speedily took a position of prominence in general practice, and being a remarkably good speaker he was retained in all jury trials of importance for years. In 1854 he was appointed Recorder of Rupert's Land, which position he held for about four years, when he returned to Montreal and resumed practice and was appointed Crown Prosecutor, then a position of great responsibility, the District of Montreal comprising at that time for criminal purposes all the present districts, having each a judge of its own. In this new office he showed conspicuous ability. In 1865 he was appointed a Judge of the Superior Court for the District of Bedford, and in 1872 was transferred to Montreal. In 1889 he was appointed Chief Justice of the Superior Court, and was subsequently knighted, dying in 1894.

On the 31st of May, 1894, the Court of Review on the occasion of the death of Sir Francis Johnson,

assembled at Montreal when Judge Jetté addressed the Bar :

Gentlemen of the Bar:—

“This Court meets for the first time since the death of our regretted Chief Justice, and I cannot allow this occasion to pass without making myself the mouth-piece of my colleagues on the Bench and of you all, to publicly express the grief which we feel in the presence of the grave which has just been closed.

“It is the great honour of our profession, in every country of the world, to arise above the petty feelings of rivalry and to freely admit, even before death consecrates their whole work, the superiority of those who, by their character and talent, command the respect and admiration of all. The distinguished magistrate whom the country has just lost, had, for a long time past, been in the first rank among us. Of a superior intelligence and broad mind, entertaining no prejudices and possessing exceptionally good culture, he raised to the level of his own mind every question with which he had to deal. Who has not had occasion to admire, in this very Court, at the end of each month, that noble language, and that ease of expression which gave so much charm to his summaries of the cases he had to judge. Who has not had occasion to remark the ease with which he expressed himself either in French or English, possessing as he did that important advantage in his position of speaking both languages equally well.

“Full of respect for the noble traditions that have been the strength and glory of the Bench and Bar among the two great nations, who have populated this Province, no one possessed the feeling of professional dignity to a higher degree than he did. This feeling appeared not only in his language, but also in his whole

person. It would be difficult, in these days of decay and at a moment when the great force of self-respect and of respect for others, is disappearing more and more, it would be difficult, I say, to exaggerate the importance of such splendid examples. Let us express the hope, gentlemen, that these examples may always remain fresh in our minds, and let us strive to preserve them with the memory of those who thus know how to recall them to our minds.

“As to us who have been connected for many years with the work of that eminent magistrate, we shall have one more motive to respect and cherish his memory. We shall never forget the exquisite delicacy with which he knew how to conceal from us his authority and fulfil the duties of his high position, leaving nevertheless to each one the largest possible share of personal responsibility. This rare talent of thus getting one’s control and authority duly accepted is given to superior minds only, and our regretted Chief Justice possessed it in the highest degree.”

In his address to the Grand Jury on the 1st of June, 1894, Mr. Justice Wurtele referred in the following terms to Sir Francis Johnson:— “Within this week we have been called upon to mourn the death of the distinguished Chief Justice of the Superior Court, Sir Francis Godschall Johnson. He was an able jurist and an eminent judge. His clear conception of the law and his perfect grasp of the facts of the cases submitted to him were shown in the terse but explicit enunciation of his judgments, and his diction whether in English or in French, was the admiration of his hearers.

“For many years he conducted the criminal prosecutions in this district with marked ability and learning, and afterwards displayed his profound know-

ledge of the letter and of the spirit of English criminal law in his judicial career. In the other branches of our law, in commercial as in civil law, he was equally gifted. Judges like him are an honour to their country and a safeguard for the rights of the people. He lived and died a thorough gentleman. He died after an illness of six months, but, I may say, in harness, at the ripe age of 78 years, honoured by his sovereign and respected by the people as a learned, upright and fearless judge. I mourn a friend who was always ready to aid me with his counsel and for whom I will ever retain an affectionate recollection. The country lose a judge who would have honoured the Bench of any land. It is due to him that in this hall of justice, in which his eloquent voice was so often heard, I should take this first opportunity to render a tribute to his worth, and to voice the public regret for the loss of a respected and great magistrate." (See Appendix).

John Rose was born in 1820 in Scotland, and came in 1836 to Canada. He taught school for sometime in the Eastern Townships, and, coming to Montreal, was engaged in the office of the Herald newspaper. He was called to the Bar in 1842, created a Queen's Counsel in 1853 and appointed Solicitor-General in 1857. He subsequently became Minister of Finance of Canada and was Commissioner for Great Britain under the treaty for the settlement of claims against the United States arising out of the Oregon Treaty. In 1870, he went to England and became a partner in the banking firm of Morton, Rose & Company. He was knighted in 1870 and created a baronet in 1872. He died in 1888 and was succeeded by his son William Rose, who was admitted to the Bar of Lower Canada in 1867." His fortune was supposed to amount to nearly £400,000, which is four times as much as his friends had ex-

pected. He was a firm believer in Lord Beaconsfield's principle that the right thing is to have £10,000 a year while everybody supposes you to have £5,000. Sir John Rose was always ready to give excellent advice to the distinguished personages who consulted him, but he was too shrewd a Scot to desire to see his name figuring among the large contributors to such Royal fads as the Royal College of Music and the Imperial Institute, so he thought it prudent to keep his own affairs very quiet."

Antoine Aimé Dorion was born in 1818. He was called to the Bar in 1842, and entered the firm of Cherrier & Dorion, and soon occupied a distinguished position at the Bar, and also assumed an active part in political life, becoming in 1873 Minister of Justice of the Dominion. In 1863, he was made a Queen's Counsel, and in 1874, he was appointed Chief Justice of the Court of Queen's Bench for the Province. He was always in active practice at the Bar, his firm of Dorion & Dorion, and afterwards Dorion, Dorion & Geoffrion, (the last named being his son-in-law, the late Hon. C. A. Geoffrion, Q.C., father of Mr. Aimé Geoffrion, K.C.,) becoming one of the most prominent in Montreal. He died on 31st May, 1891. Chief Justice Sir Francis Johnson referred from the Bench to the death of Sir Antoine Dorion, as follows:—

"It has fallen to my lot to survive and to formally announce the already too well known death of the Chief Justice of this Province, the Hon. Sir Antoine Aimé Dorion, which occurred early yesterday morning. This is a blow severely and sorrowfully felt, not only by his brethren of the Bench and in the profession of the law but also widely and keenly among the people of this country, whom he long, uprightly and ably served, as a member of Parliament, as a Minister of the Crown,

and latterly for fifteen years in the highest judicial office in the Province. All those who knew him will recognize and long remember his singular fitness for the judicial office by reason of the serenity of his temper, the gentleness of his manners, and the purity of his character. His own profession more particularly will bear testimony that he was learned and patient and just. I do not know what higher praise than that could be given to any judge, and yet I feel sure that it would be unjust to say less. What my own feelings might prompt I cannot attempt to say. I must satisfy myself now by announcing that out of respect to the memory of our departed colleague and chief, all the divisions of the Superior Court will adjourn now until tomorrow morning at the usual hour, and the adjournment tomorrow will be until 2 p.m. on Wednesday, to enable us to attend the funeral, which we intend to do in our robes of office."

His brother, Judge V. P. W. Dorion, was born in 1827, and "admitted to the practice of the legal profession in due course, and in partnership with his brother, Sir Antoine Dorion, enjoyed, for many years, a very extensive and important practice. In 1875 he was raised to the Bench of the Superior Court and was at first appointed to the Quebec District, but on the death of Judge Mondelet he was transferred to Montreal, where the same vigour, decision and talent which had marked his career at the Bar, distinguished his too brief administration of judicial office."

Thomas Jean Jacques Loranger, of Montreal, was born in 1823, and admitted to the Bar in 1844, soon after entering into partnership with Lewis T. Drummond. He was made a Queen's Counsel in 1854, and in 1855 he, in conjunction with Réal Angers, argued the famous seigniorial case before the Seigniorial

Court against C. S. Cherrier, Q.C., Robert Mackay and Christopher Dunkin; and he was said to be the first Colonial lawyer who ever argued a case before the Judicial Committee of the Privy Council. He was author of "*Commentaire sur le code civil du Bas Canada*". He retired from the Bench in 1879 and died in 1885.

William Gordon Mack was born in Scotland. He served for a time in the East India Service as a midshipman, but afterwards studied law and was admitted to the Bar in 1845. He achieved a certain amount of notoriety for his part in the burning of the Parliament Buildings in 1849. Murdo MacIver, another Scotchman, was born in 1800; he came to Canada in 1830 and for a time was a leader writer of the *Quebec Mercury*, and later associate editor of the *Montreal Courant*. Later on he acquired an interest and became managing director of the *Montreal Times*. He was admitted to the Bar in 1844, but did not practise until 1848. He died in 1893.

Joseph Papin was born in 1825. He studied law with Ferreol Pelletier at Montreal, and was admitted to the Bar in 1846. For four years he represented the County of l'Assomption in the Assembly, and was for some time City Attorney for Montreal. He died in 1862. He was one of the most remarkable types of French Canada, a powerful orator and in appearance a large and powerful man.

The Sheriffs of Montreal were Edward William Gray, who, in 1765, was appointed Deputy Provost-Marshal for the city and district of Montreal, and in the same year was appointed a notary public practising his profession from 1765 to 1799. His brother, Jonathan Abraham Gray, who died in 1812, was also a notary public from 1796. Gray died in 1810 and was

succeeded by Frederick William Ermatinger who died in 1827, his successor being the Honourable Lewis Gagy, who was appointed in 1827, and held that position until 1837. The Sheriffs from that date to 1850 were the Honourable Roch de St. Ours, 1837-1839; John Boston, Q.C., and H. E. Barron, Joint Sheriffs 1839-1842; and John Boston and William Foster Coffin, 1842-1851.

The Prothonotaries of the Court of King's Bench for the district of Montreal were John Reid, John Burke, and J. Sauveuse de Beaujeu, 1794-1800; John Reid and J. Sauveuse de Beaujeu 1800-1812; Alexander Reid 1812; John Reid and A. L. Levesque 1813; John Reid, A. L. Levesque and S. W. Monk 1815; Hugh Fraser, A. L. Levesque and S. W. Monk 1826; A. L. Levesque, S. W. Monk and R. L. Morrogh 1827; S. W. Monk and R. L. Morrogh 1828; S. W. Monk, W. C. H. Coffin and L. J. A. Papineau 1844-1865.

The Sheriffs of Quebec were James Shepherd, appointed before 1779; Philippe Aubert de Gaspé, the author of "*Les Anciens Canadiens*" and "*Mémoires*", in 1816; William Smith Sewell, who was appointed in 1822, and held the position, having for a brief period between 1824 and 1827 associated with him, Thomas Ainslie Young, until 1866.

The Prothonotaries of the District of Quebec were David Lynd and Pierre Louis Panet in 1794; David Lynd and J. F. Perrault 1795-1802; George Pyke and J. F. Perrault 1802-1812; J. F. Perrault and John Ross, Jr., from 1812 to 1826, when Edward Burroughs was associated with them, until 1830; J. F. Perrault and Edward Burroughs until 1844; Edward Burroughs and H. Huot until 1846, then Edward Burroughs and Louis Fiset until 1861.

The Hon. Joseph François Perrault, juriconsult

and author, was born in 1753, and began the study of law in 1790, when the Bar of Montreal was composed of four lawyers. He passed his indenture with M^{re}. Mezières, "avocat, pratiquant, à Montréal, avec distinction". As he had a young family to support, he says: "Je me mis à pratiquer au terme inférieur de la Cour du Banc du Roi, au moyen de procurations que je me faisais donner par mes clients; ce qui me réussit assez bien." His apprenticeship was interrupted by the death of Mr. Mezières, and he applied to the Legislature for an Act to be dispensed from serving the balance of his term of six months. His Bill was passed by the Assembly, but "killed" in the Legislative Council and as a result he was appointed, in 1795, prothonotary of the Court of King's Bench for the District of Quebec. He was a prolific writer and in 1789 translated portions of Burns' "Justice of the Peace", and in 1803 Petyt's "Lex Parliamentaria" into French, and compiled in 1824-1825 "Extraits des précédents tirés des registres de la Prévôté de Québec et du Conseil Supérieur de Québec." He also compiled a Rural Code, and wrote an "Abrégé de l'Histoire du Canada". In 1832 he published a pamphlet "Moyens de conserver nos institutions, notre langue et nos lois". He died in 1844.

If Quebec had a literary sheriff in Philippe Aubert de Gaspé, and a literary prothonotary in the Hon. Joseph F. Perrault. Montreal had a learned sheriff in the person of the Hon. Pierre Joseph Olivier Chauveau, who was author, politician, and orator. He was born in Quebec in 1820, and admitted to the Bar in 1841. He entered politics, and subsequently became Solicitor-General, Provincial Secretary, and the first Premier of the Province of Quebec. His principal work was a novel "Charles Guérin," (1853). He was appointed Sheriff of Montreal in 1877, and died in 1890.

The impeachments of Judges seem to have been the order of the day in those times. Among those against whom complaints were made were Judge P. A. de Bonne in 1801, which has already been referred to; against Judge Foucher in 1816; against Judge Bédard in 1819; against Attorney-General James Stuart in 1828, and in the same year against Judges Kerr and Fletcher, against Judge Thompson, of Gaspé, and against Sheriff Gagy at Montreal, and David Chisholm, Clerk of the Peace at Three Rivers.

The charges against Foucher were four in number and read strangely: (1) that in 1811, seven years previously, when judge at Three Rivers, he had assisted with his counsel, his friend Mr. d'Aillebout, in a civil suit against him, and had rendered judgment in his favour; (2) that in 1814 he had aided Lacroix, the advocate of d'Aillebout, to draw up his declaration against one Duchesnes; (3) that in the same year he effaced from the register a judgment he had given, in order that in the following term he could give a judgment at variance with it; (4) that in 1816 he had been guilty of a denial of justice to Charles Porteous, advocate; that he had unjustly and illegally threatened to suspend him, and had addressed him in insulting language. Mr. Lacroix, called as a witness on the second charge, having given unsatisfactory evidence, was committed to the custody of the sergeant-at-arms. Mr. Foucher was defended by members of the Assembly of high character, including Messrs. Taschereau, Davidson, Guay, Vanfelson and Andrew Stuart. He was not called upon to defend himself, and on the "ex-parte" evidence adduced by the prosecutor the select committee to which the charge of malversation, corrupt practice and injustice had been referred, reported that it was proved. An address

was voted to the Regent asking the removal of Mr. Foucher from his office, and that he should be brought to justice. At the request of the Governor he abstained from the exercise of his judicial duties while his case was submitted to the Home authorities, but as the impeachment was not followed up he resumed in 1819 his duties as judge at Montreal.

In 1819, a motion was made for the impeachment of Judge Bédard of Three Rivers, by Mr. C. R. Ogden, an advocate of that place. "The articles were seven in number. Briefly it may be said they set forth that Bédard had, from motives of malice, imprisoned Ogden for assumed contempt; that he had fined one Vezina for the same cause, and attacked the character of Joseph de Tonnancourt, a barrister; that he had uttered expressions derogatory to the other judges; that he had unjustly used offensive language to the barristers practising in that court, and generally had brought the administration of justice into disrepute and contempt. The Select Committee of Grievances to which the petition was referred, reported against it, so nothing was done. Indeed, Bédard had so many friends in the House that only under very extreme circumstances could a vote inimical to him have been obtained. It appeared that this Judge, whose talents were worthy of a better place than that which he held in the small town whither he had been sent, during his declining years, contracted intemperate habits and, when excited by strong potations, his temper became very irritable; at such times the pleaders in his court, taking advantage of his infirmity, used to abuse their privilege of free speech and instigate the former champion of the people's cause (*le vieux tribun populaire*) to compromise himself sadly by his own discourses from the bench in the estimation of the public. The

gentlemen who now came forward to accuse he had imprisoned for a libel and contempt of court. The Assembly referred the charges now made to a special committee for examination, which reported that it had no solid foundation."

In 1828, complaint was made to the Assembly against the Attorney-General, James Stuart, representing his bearing and conduct during the last general election, at which he was a candidate, as exceedingly unbecoming an official of his status, and as having abused his office to oppress and tyrannize those who had voted against him. "The charge which bore against him was for having exacted fees for the renewal of the commissions of notaries and others on the death of the King, and having contrary to law inserted in the text of the commissions "during pleasure". On this point he was removed from his office by Lord Goderich, then Colonial Secretary, and the Solicitor-General, Mr. Ogden, was appointed in his place. Mr. Stuart was blamed for issuing commissions that were unnecessary, and needlessly multiplying indictments before the King's Bench. There was no reason to think that in the prosecution for libel he had not taken the course he thought best. He was exonerated from having menaced the voters during the election, but it would have been more correct not to have spoken of his power as Attorney-General. The prosecution against Aussant was an oppressive use of his power. The disgraceful motives imputed to Mr. Stuart by the Committee were considered to be unsustained by proof, but he was not relieved from responsibility in the prosecution of Lampson and his servants in the Hudson's Bay affairs."

A complaint was also in this year made against Mr. Justice Kerr by B. C. A. Gagy, an advocate prac-

tising at the Quebec Bar, representing the conduct of Mr. Kerr from the bench towards him as capricious and oppressive in the extreme, and in other respects abusive of the judicial powers entrusted to him. It appeared that Judge Kerr had interdicted Mr. Gagy from practising in his court owing to his having declined to pay the fees demanded of him. Mr. Gagy had contended that Judge Kerr, being paid two hundred pounds in lieu of all fees, their exaction was contrary to law. Judge Kerr was at the same time Judge of the Court of King's Bench. The Committee reported that the interdiction of Mr. Gagy had been ordered without proof, without his having been heard, and without the forms prescribed in cases of contempt having been observed. The Committee found, in respect to the complaint against Kerr, that the office of Judge of the King's Bench, and that of the Vice-Admiralty Court, were incompatible when held by the same person; that he was guilty of high crimes and misdemeanours; that he had no knowledge of the laws of the country, and was incapable and disqualified from holding office as a Judge, and the Governor-General was called upon to suspend him, which he declined to do unless he received a joint address to that effect from the Legislative Council and the House of Assembly, which was not forthcoming.

The success of the proceedings against Mr. Stuart led to renewed attack on Judge Kerr, and a resolution was passed that it was incumbent to prosecute the charges against him, and that so soon as a competent tribunal should be established, the House would enter upon the request of impeachment. An address to the Crown followed, and Mr. Justice Kerr proceeded to England to vindicate his character. Owing to some financial irregularity he was removed from his office

of Judge of the Court of Vice-Admiralty, and on the ground that this step had been considered necessary he also lost his seat in the Court of King's Bench.

"The absence," says Kingsford, "of all true appreciation of parliamentary government cannot fail to strike any student of this period. No greater proof of the fact can be shown than Mr. Gugsy's petition against Judge Kerr. Its personal insolence of expression is astonishing. Since the union of the provinces in 1841; that is, during the last half-century, it may safely be said that the wording of the text is without parallel; the reception of such a document would have been an impossibility."

A complaint against the District Judge of St-Francis, Mr. Fletcher, alleging oppressive and tyrannical conduct, was also allowed before the Assembly, the specific charges being that he had committed several parties for contempt, and with having punished others by heavy fines. The Committee of Grievances reported that in open court he had abused the inhabitants of the district, calling them "brutes", "men of the forest", and that he had fined one Molten because he did not like his countenance. Mr. Fletcher was not, however, suspended from his functions, and the complaint ended in smoke.

In 1836, the member for Bonaventure, an advocate named de Blois, brought accusations of malversation of office against Judge Thompson, of Gaspé, in language most offensive. Mr. de Blois remarked that his misconduct might be considered to have been innocently and necessarily committed owing to Judge Thompson's natural imbecility and want of intelligence. The committee to whom the petition was referred reported extremely unfavourably to Mr. Thompson, and voted for his suspension. The Governor-General replied that

he could come to no decision until he had received such defence as the accused could offer, but no steps were taken to remedy the complaint.

An accusation in the same year was brought against Judge Bowen, of Quebec, by Adolphus Hart, a law student. The accusation was made in general terms of corruption and partiality. The accused, on being called upon specifically to submit in detail the ground of complaint, was unable to do so, and consequently no proceedings were taken.

The Hon. Mr. Lewis Gagy, Sheriff of the District of Montreal, and a Legislative Councillor, was attacked in the House of Assembly, having been called as a witness on the subject of fees received by the prothonotaries, sheriffs and others. The conclusion was expressed that Mr. Gagy had voluntarily and maliciously given false testimony, and that he was not worthy of the confidence of the Government, and he was removed from his position. Mr. Christie thus speaks of Gagy: "Age, aggravated by domestic grievances, had, it seems, impaired to mental alienation his faculties, and occasioned the errors at which the Assembly took offence and visited him with their displeasure, which he did not long survive. Personally acquainted for a long period, 30 years at least, with the late Colonel Gagy, it is due to his memory to express my conviction, humble though it be, that he would have scorned in the full possession of his intellect to shield himself at the expense of truth and honour from any liability, however grave, or I knew him not."

Chisholm was charged in the same year with that he had been in the habit of framing indictments on verbal information only, and had so worded them that he dishonestly obtained excessive fees. The report of the Committee was adverse to him, and in an

address to the Governor-General the House called for his dismissal. The Governor-General submitted the case to the law officers, who reported that there was no law point arising on which they could offer advice. The matter was then referred to the Home authorities, who saw no reason for acquiescing in the prayer for the removal of Chisholm. Without entirely justifying him, the Colonial Secretary acquitted him of improper design.

He was subsequently deprived of the office of Clerk of the Peace and Coroner of Three Rivers and became editor of the Montreal Gazette, which he continued to edit until his death in 1842, aged 46 years.

A charge was also made against Judge Fletcher, charging that for a series of years he had been guilty of illegal, violent and vindictive conduct. The principal charge against him depended on the fact whether or not he possessed the same power as the judges of the Supreme Court in the Province, and of the Courts in Westminster Hall, to punish individuals for contempt committed outside the court. The matter was referred to the Judicial Committee of the Privy Council, whose decision was apparently not adverse, as he continued in the discharge of his judicial duties until 1844.

In February, 1828, the Advocates Library was founded under the patronage of Chief Justice James Reid, on the suggestion of Stephen Sewell, K.C., who drafted the original petition of the association, which was signed by Reid and four puisne judges of the Court of King's Bench for the District of Montreal. The first officers of the Association were Stephen Sewell, K.C., President; Joseph Bédard, Vice-President; Solicitor-General, Charles R. Ogden, Alexander Buchanan, and John S. McCord, Managing Committee; Alexander

Buchanan, Secretary, and Frederick Griffin, Treasurer.

The Advocates Library existed until 1852, when the Bar of Montreal having been incorporated, it ceased to exist.

By the laws for the Government of the Advocates Library, each original member was to pay towards the purposes of the institution the sum of ten pounds currency. Each member was obliged on the last juridical day in October Term of each year, to pay to the Treasurer of the Society the sum of £2:10:0 currency.

On the dissolution in April, 1828, of the Students' Law Library Association, which had been established a few years before, the books which formed their library were presented gratuitously to the Advocates Library.

Chief Justice Reid having by letter dated the 18th August, 1830, to the Advocates Library, made certain suggestions as to the qualifications of candidates for admission to the Bar, a committee composed of Stephen Sewell, K.C., Solicitor General Ogden, K.C., Dominique Mondelet and Alexander Buchanan, were appointed in October, 1830, to report on a system of education for the study of the profession of the Law and Regulations for the admission to the study and practice of the Law. The report of this committee drafted by and in the handwriting of Alexander Buchanan, is signed by all the members.

The Report is in the following terms:—

"The Committee appointed on _____ day of October instant, having taken into consideration the suggestions contained in the Honorable the Chief Justice's letter of the 18th August, 1830, addressed to S. Sewell, Esq., beg leave to report their sentiments upon the subjects thus submitted for their enquiry.

"The undersigned conceive that at this period any formal or express regulation, having for its object a scrutiny into the qualifications of persons presenting themselves as students to any of the members of this Association, would appear invidious in the eyes of the rest of the Bar, and excite umbrage in our brethren of the profession who have not chosen to become associates in this institution. At the same time they feel conscious that none of the members of this institution would so far lose sight of their own respectability and be so regardless of their duty to the profession as to become instrumental in rearing to the Bar persons likely to reflect disgrace upon the profession, or as to withhold any uniform information by which the unworthiness of a candidate for the study of the Law might be made known to the gentlemen at whose hands instruction may be sought by such individual.

"The second matter for enquiry is how far it may be expedient to draw up a plan or system of study to be observed by the young gentlemen studying under the auspices of the members of this institution, and to take measures for ascertaining occasionally the progress made by such pupils.

"That such a regulation is practicable little doubt can be entertained: yet the undersigned conceive that it would be more advisable to leave such advocate to prescribe the course of study to be followed by his pupils which must in many instances be varied according to the education, knowledge and capacity of individuals. And they would add that the main advantages of such a regulation will naturally flow from the adoption of modes of instruction of a more public nature as hereafter recommended.

"The Honorable the Chief Justice further suggests that a system should be arranged for the examination

of candidates coming forward to the profession to be varied according to circumstances.

“Without the participation of the rest of the Bar which constitutes a majority of that body, the undersigned think that the establishment of any express regulation co-extensive with the suggestion of the Hon. the Chief J. might excite in our other brethren of the Bar a feeling of hostility against our institution, which it should be our desire to prevent if possible. It cannot, however, be dissembled that if an understanding could be produced among the Brethren of our institution by which a more strict examination of candidates for the Bar shall be had, some benefit to the profession may result, although the undersigned are of opinion that the respectability of the profession and that science among its members would be more effectually promoted by an examination into the education and qualifications of an individual before he becomes a pupil than by canvassing his proficiency in legal learning when he is on the eve of being called to the Bar, and they cannot but regret that the state of the profession, from the want of that examination which can only be the offspring of incorporation, precludes the possibility of subjecting the would-be pupil to this test.

“The last suggestion of the Hon. Ch. J. consists in recommending the translation into English of some approved work on the Civil Law, giving a certain portion of the work to such of the members as might be willing to undertake it so that at the appointed meetings it might be examined and approved: the Chief Justice at the same time expressing his fear that it might be impracticable to get up anything in the shape of lectures.

“The Committee cannot but highly appreciate the

motives that prompted the Hon. The Ch. Justice to recommend to the institution the adoption of means for encouraging the study of the Civil Law which constitutes the basis not only of our Jurisprudence but of the codes of most civilized nations, without a competent language of which professional education in this country must be deemed incomplete. They therefore think that this Institution should pursue measures to promote the study of that branch of the Law; but they humbly conceive that the plan proposed by His H. the Ch. J. of parcelling out notes upon the Civil Law for translation would hardly attain the desired end; nor would the unequal and heterogeneous admixture of style in composition thus written redound much to the credit of the institution.

“With all due deference to the opinion of the Chief Justice, the Committee humbly lay before this Institution their thoughts upon the best modes of reaching the object brought to its consideration by the Letter of the Chief Justice, which they embody in the following propositions,—

1°. That the style and name of the institution be altered by adding to the original name “Advocates Library” the words “and Law Institute”.

2°. That the institution under its new name do by all means in its power promote the science of the Law by the delivery of prolections or lectures upon its various departments, the writing of dissertations and of translations, and by offering honorary distinctions or rewards for contribution of essays upon subjects to be chosen, given out at stated periods.

3°. That the subjects of the lectures to be established be as nearly as possible made to fall within the

following classification : 1. Natural Law; Roman Law; 2. French Customary and Ecclesiastical Law; 3. Criminal Law of England and Constitutional Law; 4. English Law of Real Estate property, and 5. the Law of Practice and Evidence, which five departments include every possible topic of legal discussion.

4°. That once in every year a medal or other mark of distinction be offered for the best essay upon any given subject relating to jurisprudence, and that all persons, advocates or students in this Province be permitted to compete for the same.

5°. That the members of the institution, as soon as circumstances may permit, do cause prolections upon the said several classes to be pronounced by such of the associates as may be willing to undertake the honorable and useful task, and that no persons but the members of this Institute, and their pupils shall be admitted on the occasion of such prolections.

6°. That for the purposes of enabling this Institute to effect the said intentions, a fund be formed to defray its necessary expenses to be raised by an annual subscription of 15 shillings, the first payable on the 1st January next.

7°. That this Institute be under the direction and management of the respective officers governing the Library for the time being.

All which is nevertheless submitted."

(Signed) A. Buchanan.

" S. Sewell.

" C. R. Ogden.

" D. Mondelet.

The following is a list of the Presidents of the
Advocates Library.

- 1828. Stephen Sewell, K.C.
- 1829. Joseph Bédard, K.C.
- 1830. Hon. C. R. Ogden, K.C.
- 1831. Michael O'Sullivan, K.C.
- 1832. Michael O'Sullivan, K.C.
- 1833. John Boston.
- 1834. Hon. Dominique Mondelet, K.C.
- 1835. John Boston.
- 1836. Alexander Buchanan, K.C.
- 1837. C. S. Cherrier.
- 1838. Alexander Buchanan, K.C.
- 1839. Hon. Charles D. Day, Q.C.
- 1840. Hon. Charles D. Day, Q.C.
- 1841. Alexander Buchanan, Q.C.
- 1842. Alexander Buchanan, Q.C.
- 1843. Alexander Buchanan, Q.C.
- 1844. Hon. Samuel Gale.
- 1845. Hon. Charles D. Day, Q.C.
- 1846. Hon. L. H. Lafontaine, Q.C.
- 1847. Hon. L. H. Lafontaine, Q.C.
- 1848. Fred. Griffin.
- 1849. C. S. Cherrier, Q.C.
- 1850. C. S. Cherrier, Q.C.
- 1851. C. S. Cherrier, Q.C.
- 1852. Sir L. H. Lafontaine.

In 1828, a certain number of barristers of Montreal formed a club known as the Brothers-in-Law Club, for the purpose of dining on the last day of each term. The original members of this society were C. R. Ogden, Samuel Gale, John Boston, James C. Grant, S. W. Monk, R. L. Morrogh, Alexander Buchanan, William Walker, J. S. McCord, Frederick Griffin, William Badgley, James G. Scott, A. Bourret and Campbell Sweeny, Henry Griffin, Notary, was elected an honorary member of the Society, and J. Ussher was later on elected a member. Their last meeting was held on 20 February, 1833.

"A very numerous meeting of the Advocates of Montreal was held in December, 1830, at the Court House for the purpose of considering what measures ought to be taken relative to the note issued from the Provincial Secretary's Office requiring them to renew their commissions. The Hon. D. B. Viger was unanimously called to the Chair. Several gentlemen addressed the meeting, and agreed that the commissions held by the Advocates in the Province were not such as were contemplated by the special Acts of Parliament, upon which the notice is founded. A Committee of three consisting of Messrs. W. Walker, D. Mondellet and T. Peltier, was appointed to examine fully the matter and to report resolutions."

A meeting of the Quebec Bar was also held in the same month at which it was unanimously resolved that the Commissions did not come within the designation of those alleged to expire in consequence of the demise of the Crown being of the nature of a certificate of qualification, required by law, for the exercise of their profession and not bestowing office at the pleasure of the Crown. "Notaries, Medical Practitioners, Surveyors, Cullers, Pilots, etc., come under the

same description and form probably about half of the persons whose commissions were supposed to be required to be renewed on paying a fee of three guineas, two-thirds of which goes to the Attorney-General, and one-third to the Provincial Secretary. Probably about £2000 will be saved to the parties, if the distinction taken by the Bar is correct. We believe there is no doubt that an Act was passed in England at the last session for a renewal of commissions without fee, but it may be probably held that although the renewals of Commissions on the demise of the Crown is in consequence of English Law said to be in force in the colonies, the Act for their renewal gratis does not extend to them. While we are on the subject of fees, it may not be improper to mention that it is very generally rumoured that new fees are about to be established by the Executive Council. We conceive that a body consisting of half a dozen gentlemen who receive between seven and eight thousand pounds of the public money annually in salaries and fees, is not the best calculated to judge of the quantum of fees that the public ought to pay when they are forced to have recourse to the services of the public officers. We have strong doubts indeed both of the expediency and constitutionality of such proceedings." (1).

In 1844 the old Court House at Montreal, which had been built in 1800, was destroyed by fire. The Advocates Library sustained some damage, but the court records were all saved. The old jail, then occupied as barracks, was vacated and was used temporarily. Later, the old Government House, now the Chateau de Ramezay, was used as a Court House until 1856, when the present Court House was completed.

(1) Neilson's Gazette — Canadian Courant December 29, 1830.

In 1845, Joseph André Taschereau, who had been Police Magistrate at Quebec, was appointed Solicitor-General, and by letter of resignation dated 26th April, 1847, he resigned that office, the reason given in the letter for doing so being as follows: — "The Official Gazette received this day has confirmed the rumour of the appointment of Mr. Badgley to the office of Attorney-General for Lower Canada. Having filled the office of Solicitor-General for the same part of the Province upwards of eighteen months I can view the departure from the English practice in similar cases in no other light than that of a slight to which I cannot submit consistently with what I owe myself, my constituents and the Bar of this District. Placed in such position, I have obviously, but one course to pursue; it is to tender most respectfully, to His Excellency the Governor-General, through you, my resignation of the office of Solicitor-General and to beg that he will be pleased to accept the same."

In acknowledging this letter the Provincial Secretary, Mr. Dominick Daly, expresses the "assurance that no slight whatever was intended to be put upon you by the arrangement recently effected in the office of the Attorney-General and as a further evidence of His Excellency's disposition in your regard you are offered the office of Circuit Judge at Quebec."

This office, Mr. Taschereau on 2nd May, 1847, accepted, and was transmitted a commission appointing him one of the Circuit Judges for the District of Quebec at a salary of £500 currency per annum. (1).

(1) Joseph André Taschereau was born in 1806; admitted to the Bar in 1828; Solicitor-General in 1845; Judge of the Circuit Court in 1847; Judge of the Superior Court in 1857, and died in 1867.

In 1846, a complaint was made by Jean Roch Rolland, the senior puisne Judge of the Queen's Bench for the District of Montreal, against Chief Justice Vallières de St. Réal complaining that in consequence of the latter's absenting himself all his work devolved on Rolland. A Committee, (with James Smith as Chairman) was appointed and in their report dated 4th June, 1846, entitled "Report of the Select Committee appointed to enquire into the State of the Administration of Justice in the District of Montreal, in the Superior Courts thereof with a view of providing for the more efficient Administration of Justice therein," the Committee stated that they had not been able to come to any decision in the matter and requested that the matter stand over until the next Session. Judges Rolland and Day were the only witnesses who testified. In the former's evidence, he stated that he was appointed in January, 1830, the other Judges being Chief Justice Reid and Judges Pyke and Uniacke. Uniacke after his appointment obtained leave of absence and absented himself for more than a year, being absent in 1833, and part of 1834. Uniacke replaced for some time at Three Rivers Judge Bédard, who had obtained leave of absence on account of ill health. From December 1838, to May 1839, Rolland replaced, at Three Rivers, Vallières de St. Réal, during the latter's suspension. Chief Justice Monk was absent during several years. Chief Justice O'Sullivan succeeded Chief Justice Reid in October 1838. After Chief Justice O'Sullivan's death the office of Chief Justice remained vacant until June 1842, when Vallières de St. Réal was appointed Chief Justice at Montreal. During the absence of Monk the puisne judges were Reid, Pyke and Foucher; during the first absence of Uniacke the Judges were Chief Justice Reid and Judges

Pyke and Foucher; during his second absence the Judges were Chief Justice Reid and Judges Pyke and Rolland. During Rolland's absence as Assistant Judge at Three Rivers the Judges were Chief Justice O'Sullivan and Judges Pyke and Gale. Pyke was infirm of health for several years and was often obliged through illness to absent himself from the Bench, and in June 1842 he retired, when Rolland became senior puisne Judge. Judge Gale was not a man of vigorous health and was absent occasionally owing to indisposition, but not for any considerable length of time.

In 1848, in consequence of the resignation of Judge Gale, one of the puisne judges of the Court of Queen's Bench at Montreal, Judge Elzéar Bédard, (1) of Quebec, who had been one of the Judges of the Court of Queen's Bench at Quebec since 1836, was appointed in his place, and the vacancy at Quebec filled by Solicitor-General T. C. Aylwin. By his Commission in which his former commission was recited precedence was given to him over Mr. Justice Day in the Court of Queen's Bench at Montreal. Mr. Justice Day, who had been appointed Judge of the Court of Queen's Bench for the District of Montreal in 1842, and Mr. Justice Smith, who had been appointed Judge of the same Court in 1847, refused to allow Judge Bédard to have precedence over them and the matter came before the Government who reported adverse to their claims. During this controversy Judge Bédard obtained a leave of absence.

(1) Elzéar Bédard was born in 1799 and studied in the office of Andrew Stuart. He was admitted to the Bar in 1824 and entered political life. In 1836 he was appointed Judge of the Court of Queen's Bench at Quebec, and, as above stated, in 1848 was transferred to Montreal. "He was, like the other members of the Bédard family, a prominent politician and

In the early part of the 19th Century duelling was still looked upon in Canada as the only way to settle a dispute, and a number of duels took place between the members of the legal profession. A lawyer's stock-in-trade was incomplete unless he possessed a pair of duelling pistols. In 1819, Samuel Gale fought a duel with James Stuart. During the progress of a case in which they were engaged they had a quarrel and the meeting was the result, at which neither was wounded.

Michael O'Sullivan, K.C., afterwards Chief Justice of Montreal, fought a duel on Saturday, 4th April, 1819, with Dr. Caldwell. O'Sullivan was shot in the groin and suffered ever afterwards.

The Hon. James Stuart, in the course of certain correspondence arising out of his dismissal from the office of Attorney-General which passed between him and Lord Aylmer and which was published in the newspapers, invited Aylmer to a hostile meeting in these terms : — "When Your Lordship shall have descended from the eminence you now occupy and become subject to the responsibility acknowledged in civilized society, I shall deem it necessary to call your attention to the matter, I shall hope with better success." Lord Aylmer

legislator. He was also a member of the Lower Canada Assembly, and the reputed father of the celebrated ninety-two resolutions; although, we believe Judge Morin has more claim to that distinction. M. Bédard became puisne judge of the Court of Queen's Bench, and, in conjunction with the late Judge Panet, was in favour (in 1838) of establishing the law of habeas corpus by substituting the statute of Charles II. for the provincial ordinance of 1784. He was suspended from the Bench, but afterwards reinstated. He subsequently entered into a contest with the Honourable Justice Day as to precedence, and the question was referred to the Imperial Government, the decision of which resulted in his favour, but only arrived when he was on his death-bed. He was a victim of cholera, and died at Montreal in 1849." (Morgan's Biographies of Celebrated Canadians.)

"very properly declined as of a nature to compromise the high position he occupied, and by no means from cowardice, of which no man with a shadow of reason could suspect Lord Aylmer. He moreover received the commands of his superiors at Home to decline a hostile meeting."

C. C. S. de Bleury fought three duels, one near Ville Marie with a lawyer named McDonell; the second with an officer of the Grenadier Guards, and the other with Ludger Duvernay.

James Scott, a law student, fought a duel with Campbell Sweeny, Jr., a lawyer, and wounded him. He later fought a duel with W. C. Meredith, afterwards Chief Justice, in which the latter shot him in the thigh from the effects of which he died. Campbell Sweeny, Jr., who was wounded by Scott shot William Walker, the celebrated lawyer, in the hand, destroying one of his fingers. His brother, Robert Sweeny, shot and killed Major Ward, of the Royals, in 1838, on the old Montreal Race Course, what is now Verdun. Sweeny pined and died some years later. It was generally believed that a letter written by Ward to Mrs. Sweeny was the cause of the meeting. It appears that a fair milliner became enamoured with Ward and was continually sending him flowers and other gifts. Ward, wishing to find out who his admirer was, had his servant follow the boy who brought the gifts. The servant followed the boy, and, seeing him enter Sweeny's house, returned and reported this to Ward. It seems that the boy had only dropped in to see one of Sweeny's servants with whom he was acquainted. Ward wrote a very ardent letter to Mrs. Sweeny, who showed it to her husband, hence the duel. After Sweeny's death his widow married John Rose, later Sir John Rose, Bart. (Ward's father, when

he was in this country many years ago, killed his man in a duel on the mountain near the present site of Upper Drummond Street). Among other lawyers who went out were Lewis T. Drummond and W. H. Fleet, who each had affairs of honour. Henry Driscoll, Q.C., fought two duels, one with another lawyer, Aaron Philip Hart. The late Sir Francis G. Johnson also fought a duel with Hart. The duel took place in a field now the corner of Sherbrooke and University Streets. Neither was hurt.

The notorious B. C. A. Gagy fought a duel with Hart at Quebec, and with Grant at Three Rivers.

Murdock Morison, another lawyer, fought a duel with Captain Richardson, author of "1812," "Wacousta," and other novels. The duel took place at the Mile End Race Course, where Fletcher's Field now is.

Edouard Rodier, a lawyer, fought a duel in 1837, with Lieutenant Ormsby, of the Royals, over a trivial matter, but neither of them was any the worse as a result of the meeting. Rodier also fought a duel with P. E. Leclerc, a notary, and one of the proprietors of the newspaper "L'Ami du Peuple." They fought at 4 p.m. on 29th April, 1834, "at the front of the mountain near the present forts." They fought with pistols. Rodier's second was John McDonald, and Rambeau was Leclerc's second. Neither was hurt.

In 1848 Georges Etienne Cartier, (afterwards Sir Georges) fought a duel with Joseph Doutre, a confrère, who had published in "L'Avenir" a comedy entitled "La Tuque Bleue" in which Cartier was abused. The latter, prompt and irascible, met Doutre and treated him so rudely that Doutre challenged him. They met, with their seconds, on the mountains but were prevented from proceeding with the duel owing to the intervention of the police, and nothing happened. It was

insinuated that Cartier had notified the police. Cartier then, in his turn, challenged Doutre. The duel took place on the road to Chambly, when they exchanged shots, but without any serious result."

In later days Télesphore Fournier, member of the Quebec Bar, afterwards a judge of the Supreme Court of Canada, fought a duel with Michel Vidal, journalist. The following clipping from a newspaper of February 24, 1890, gives an account of the principals' friendly meeting thirty years after the duel, and particulars of the duel.

After Thirty Years.

"A strange meeting after thirty years took place in the House of Commons last evening. In 1860 Mr. Michel Vidal, then just out of college, wrote a fiery political article in "*Le Journal de Québec*." Three young men took offence at it. They felt that their honor had been impugned, and challenged the author, with whom they were personally unacquainted. They wanted blood. The gentlemen were Mr. Pierre Huot, Mr., now Judge Plamondon, of Arthabaska, and Mr., now Judge Fournier, of the Supreme Court. After the usual interchange of letters it was decided that the wounded honor of the trio should be vindicated by Mr. Fournier. Mr. Vidal found a second in Capt. Kirk, who, a few days previously, had left the British Army. The party repaired to Island Pond, but disturbed there, proceeded to Montreal and thence to Caughnawaga, where the same difficulty arose. Finally the meeting took place near Plattsburg, N. Y., but not before they had been arrested at Sherbrooke, where they gave the usual securities. The principals exchanged one shot

each without effect. Mr. Fournier expressed himself as satisfied and the duellists parted, not to meet again for thirty years. Since then, Mr. Vidal has had an eventful career in all quarters of the globe. He was a Member of Congress, and after representing the United States as Commissioner in Peru, was sent to Tripoli in the capacity of Consul. Mr. Vidal returned to Canada about a year ago. Last night he recognized Judge Fournier in the Commons lobby. The meeting was a cordial one, and mutual congratulations were exchanged. Down stairs the two wended their way, and drank each other's health. Mr. Vidal represents three French journals in the Press Gallery."

I should have wished to enliven these Chief Justices, Judges and lawyers by relating some of their facetiae, with anecdotes of the Bar of their time, but very few of their sayings have been handed down to us. The wit of the Bar one hundred years ago was Henry Driscoll. No one in his time could approach Driscoll in witty and refined epigram, and many stories are attributed to him, among others, the following :— A lawyer by the name of Greece was pleading a case in Court, wearing a brown coat instead of the regulation black one. The Court remonstrated with him and ordered him to appear properly habited. Driscoll, who represented the other side, said : — 'I am glad that Your Honour was found a remedy for taking grease out of a brown coat.' " Another day while Driscoll was engaged in a jury trial which was proceeding before Judge Gale, he raised an important objection which was peremptorily dismissed by the Judge, at which he exclaimed, — "I have lost my main mast by the gale, but (turning to the jury) I will now rely on my jurymast." Another day going into the Prothonotary's office to see Mr. Honey he met Prothonotary

Monk, who asked him what he could do for him, when he replied, "I am like a bee. I am looking for honey." When on his death-bed calling his son to his side, he asked, "My dear boy, can you tell me how it is that your old father, who all his life has been a professional man, should, in his old age turn to be a mechanic? No, well I will tell you. Put on your gloves and come near me, cannot you see that I am a dyer." In his old age, introducing himself as one who had once been fairly well known but had been gradually sinking into oblivion, "Driscoll, Henry Driscoll, is my name," he said "but," he added, "I am afraid that it will soon be no better than "dry skull." When Barreau, an atrocious murderer, paid the law's last penalty, Driscoll asked "What do you suppose Jailer McGinn gave Barreau for breakfast this morning?" To which in a moment he supplied the answer. "A 'arty choke and a 'oister." Judge Aylwin and he had no fondness for each other. Entering the Court House one morning, the Judge's salute was, "Good-morning, Mr. Dryskull." To which came the instant response, "Good-morning, Mr. Judge Alewine," in unfeeling allusion to the justice's favorite beverages.

He was once asked by an English visitor as to the standing of a confrère at the Bar. Said he — "Good lawyer, fine classical scholar, high among the Masons, a very positive man, "few like him."

A rather crusty client of his advanced in years and mortally ill, was most reluctant in saying good-bye. Driscoll's comment was, "Poor Jackson is very loth to leave this wicked world. He doesn't know any better!"

Toussaint Peltier, a distinguished member of the Bar, was also noted for his ready wit. On one occasion he argued a case before a Court composed of Judges Day, Vanfelson and Mondelet, and lost his case, the

first two being against him. His confrères sympathized with him, when, shrugging his shoulders, he said,—"I cannot help it,—c'est un coup de dé," that is "a throw of the dice."

Day was a very solitary person, generally keeping to himself. On one occasion he was on the steamboat going to Quebec to attend the Court of Appeals; there were also on board a number of other lawyers on their way there for the same purpose, when one of them, pointing out Day, who was sitting apart, remarked that he was thinking very deeply, at which an eminent Queen's Counsel exclaimed,—“Dash it all—he thinks he's thinking.”

The Gugys were noted for their wickedness, and Buchanan, in the course of his address in a trial for libel in which Guky was concerned, summed up their quality and quantity in the following terms:—"When all the Gugys are dead and in Hell, then will the reign of Satan be overthrown."

Judge Charles Mondelet was noted for his witty sayings. Arriving somewhat late at a large dinner he entered the room saying:—"Excusez mon délai."

"Nearly three-quarters of a century ago or thereabouts there was a court held at West Shefford, judges being sent from Montreal to round up the business. Among others who presided then was the first Judge Buchanan, father of our late Judge Buchanan (1). The

(1). This refers to Alexander Buchanan, K.C., Commissioner and Judge of the Court of Requests, and to his son the Honorable George Carlo Vidua Buchanan. The latter was born in 1825, and admitted to the Bar in 1846. He practised for a time in Montreal with the late John Monk, the firm being Monk & Buchanan, but later removed to Sweetsburg, in the district of Bedford, at which place he ever afterwards practised. He was at one time in partnership with the Honourable L. S. Huntington, and for many years with the Honourable G. B. Baker, the firm being

sessions of the court were big events and many amusing incidents are related by the old settlers of occurrences at the bi-annual terms. A harness-maker or shoemaker of West Shefford had a sign hung prominently in front of his shop as a warning to litigants. On one side was a portrait of a woeful looking man in rags and tatters, clothes, hat and boots, with the motto in his mouth. "I lost my suit." On the reverse of the sign was the stark naked figure of an equally dejected appearing man with the motto, "I won my suit." As the late Artemus Ward would say there is a joke and a moral in this." (St. John's News, 1901).

Among the wits of Montreal in the old days was Mr. Johnson, who rose to be Chief Justice of Quebec. One day he paused for a moment to glance at the first ice palace on Dominion Square. "Yes," said he, "there is the Catholic Cathedral on one side, the Methodist Church on the other, with a coolness between them." Seeing a worn-out nag being led to the knacker's yard, "Horse de combat" was his remark. An old legal friend of his went to France, became a priest, and grew very stout. Quoth the Judge, 'I thought you were a Sulpician, but I see you are one of the Oblate Order of fathers.'

There stood in a court-yard off Notre Dame Street, opposite St. Lambert's Hill, a church of the Congregation of Notre Dame. Beside it for many

Buchanan & Baker. In 1862, he was appointed Crown Prosecutor for the district of Bedford, and in 1864 was appointed Commissioner to settle the much disputed question relating to titles of Bolton lands. He was appointed a Queen's Counsel in 1873; a Commissioner for consolidating the General Statutes of the Province of Quebec in 1877, and in 1881 he was appointed Judge of the Superior Court for the district of Bedford in the place of Mr. Justice Dunkin. He resigned in 1887 and died in 1901 at Montreal.

years was a little chapel dedicated to Our Lady of Victory. Abandoned as a chapel, the building, now demolished, was long used as a laundry. Said the Judge, "Wasn't cleanliness always next to godliness?"

One Hall, a gunsmith, to whom he owed a small account, was pressing for payment of it, when Johnson, patting him on the shoulder, said, "Have patience and I will pay you (H) all."

"On one of his circuits in the Eastern Townships during the winter, he put up at a country hotel. The night was bitterly cold, and the hotel proprietor was not extravagant in his fuel supply or in the weight of his blankets. The judge put over his bed-coverings his heavy coat and other clothes; still the wind and arctic frost became colder and colder, and sleep he found impossible. It was after midnight, and no one round to make a fire. The judge arose, and, patting on his slippers and dressing-gown, went into the passage and shouted with all his might: "Fire, fire, fire." In a few seconds the whole of the hotel was aroused, each frightened one inquiring where it was. Then came the proprietor, panting and scared, he ran to the judge shouting out: "Where's the fire, where's the fire?" The judge with a merry twinkle in his eye, replied: "That's what I am trying to find." A good fire was at once made in the hall, and the rest of the night was passed in comfort."

"In the Court of Review, a learned counsel who did not expect that his case would come on so soon, apologized to the Court for not having his robe on, when Johnson, who had already complained of the bad light in the room, wittily replied: "Go on, go on; we don't see."

In the course of a case before the Court of Review, when a learned counsel was referring to the alleged

dishonest practices of the defendant, Johnson introduced the following remark: — “Don’t be too strong; you must remember there are not very many really honest men on this earth after all.” Later on in the case, when the counsel spoke of the conviction which he hoped for, the judge again remarked:— “Well, after all, the line is a small one indeed that divides the convicted from the unconvicted.”

He once got off another joke at the expense of a Queen’s Counsel. The argument in some water tax cases was going on and at four o’clock, when the Court rose, the learned Counsel was warming to his subject and discussing the right of the city to cut off the water supply from the citizens. “Can they cut off the water” he was saying, when the learned Chief Justice wittily remarked: “No, but we can cut off the gas,” and forthwith adjourned the Court.

I have included as an Appendix a letter written in 1798 by Jonathan Sewell, the Attorney-General, to his brother Stephen Sewell, of Montreal, in which he agrees to take as pupil into his office James Stuart for the remainder of the latter’s term of study of the law. In later years when Sewell was impeached as result of charges made by Stuart, he must have felt that he was ill-requited for his kindness in taking Stuart into his office. The Appendix likewise contains a curious letter written by Doctor Charles Blake, formerly of the 34th Regiment, and at that time Garrison Surgeon of Montreal, to Judge Isaac Ogden and a subsequent apology, which shows that in those good old times they did not mince words. I have also included a list of King’s Counsel of Lower Canada appointed to 1867; the article which appeared in *Le Canadien* entitled “Une page pour l’Histoire”, and a biographical sketch of Sir Francis Johnson which appeared

on his death in 1894; an early legal opinion given in 1799 by A. Panet, Advocate; an article entitled "The Old Clubs of Montreal" from the gifted pen of the late Mr. William McLennan, of Montreal, notary and author, which appeared many years ago in Harper's Weekly; a list of the members of the Brothers-in-Law and the Minutes of that Club.

I have thus brought down to 1850 the history of the Bench and Bar of Lower Canada and leave the pleasing duty of continuing its history from that time to other and more qualified hands.



Appendix

Letters from Attorney-General Jonathan Sewell, of Quebec, to his brother Stephen Sewell, of Montreal.

Quebec, 27th Sept., 1798.

My dear Stephen :—

Nothing would afford me greater pleasure than the assistance of Mr. Stewart (sic) for the remainder of his Time, if he thinks it for his advantage to engage with me as I am now situated.

I have Three Gentlemen in my office — Two under indentures — one upon trial — & my business is retrenched, for I have on account of ill-health and other pursuits refused all causes in the King's Bench; Those of the merchants excepted, for Them I mean still to practice in that Court.

In the Court of Appeals I still practise in all causes.

Mr. Stewart's views of benefiting from an Extensive practice (if such are his views) cannot be answered with me. If he seeks leisure for reading under such assistance as I can afford him he will find that, and I shall be happy to give him every assistance in my power. With respect to public Business, I have sometimes a great deal and sometimes very little.

I cannot lodge or board Mr. Stewart for my House and situation will not admit it. As to Terms I am at a loss what to say. If Mr. Stewart is in a situation to afford it, I should expect that proportion of my customary fee one hundred guineas as is equal to the time he has to serve, but if he cannot afford it I should not insist upon that but ask what he can afford to give. Terms therefore I must leave to you if Mr. Stewart thinks it for his advantage to finish his Time in my

office under the circumstances I have stated. Let me hear from you on this subject as soon as convenient.

I have this day packed up your books to go by a schooner which will sail on Sunday. I shall send with them a list. There is a box of them and a bundle.

As to your case with General Christie. Your action should be "for charging you with the crime of forgery," see Gilbert's Law of Evidence, cap. 8, Vol. 2d.

A Grand-Juror I think may be an Evidence, vide the same cap. 4, p. 86, For two reasons, 1st. ex necessitate; 2dly. Because there was no bill before the Grand Jury at the time. His conduct was most strictly slander under colour and pretence of law. Look at the new law of Evidence by Lofft in four volumes and read the second volume from page 621 to page 625. It will give you a good deal of information and you will see it is a case in which even wives have been admitted in support of their husbands ex necessitate. This appears from p. 625 title 4, vol. 2. I have not time to add more as our Court is sitting.

We have been much alarmed by the Yellow Fever in Town. It is literally the Philadelphia Fever. Nine persons have died and about fifty are ill with it, but the cold weather, Thank God, has put a stop to it as no person has died within the last 48 hours — so that we have every reason to suppose it over. Thank my Mother for her letter and for her pears — the watermelons all decayed—I have not time to write to her. William has been inoculated but I fear has not taken the smallpox. Adieu.

I am very faithfully and sincerely

Your affectionate Brother,

J. Sewell

P.S.—Harriet's best love to my Mother and you. Is Nancy married?

Quebec, 8th. October, 1798.

Dear Stephen :

I am totally at a loss to concede on what principle you thought I could obtain a judgment for Messrs. Robertson against Nimmo this Term. The papers inclosed do not amount to any proof & I have not Mr. Robertson's Acte de Tutelle—nor do I know what you mean by referring to a bill and protest “inclosed” when there is neither Bill nor protest. It is evident that the account must be proved by a Commission Rogatoire, or by some clerk sent from Montreal to Quebec for the purpose. The delay occasioned by the want of the Acte of Tutelle is however of no consequence, for had the writ been taken out last Saturday I could not according to the rules of our Court have obtained a Judgment. You must send it by return of post.

I have written to Nimmo who acknowledges a balance due, but short of the sum demanded. He promises me a statement, tomorrow, and offers payment of what he admits to be due. I shall not however attend to this — but I shall have everything prepared to take out the writ as soon as the Acte de Tutelle arrives — which by your Postscript I expect on Wednesday morning.

I have not Clayton nor do I know who has. The unknown author of the Law of Evidence is Baron Gilbert, and I referred you to the authority you cite, and the query. There appears but little room to doubt on the subject, for the oath of the Grand Jurymen is to keep the King's “Counsel, their fellows and their own”. Mr. Christie is neither one nor to others, his, was not a legal complaint by the Bill preferred, but an attempt to ruin you under color of Law, the worst of all Malice.

My little boy has been twice inoculated and has now I think taken the disorder. He is very well — and so is his mother, who desires to be most affectionately remembered to my Mother and yourself. We have a

ship from England, left the Downs the 7th August with 42 emigrants going to Upper Canada. Among them are some of the principal French Nobility, the famous Monsieur DePuissaye & several others. No news in the political way.

Ryland (1) was taken coming home and retaken. He was in London on the 2d August but was left on board the Lively but Black was put on Board the Privateer and is carried into France.

Your affectionate Brother,

J. Sewell

Letters from Dr Charles Blake to Judge Ogden.

Montreal, Decr. 19th. 1805.

Sir :

I was inform'd this Day by Mr. Edwards, that you was the author of the Paragraph, recording the sad accident of the late Mr. de Rocheblave, whose Fate every Body that knew him deplores.

(1) This was the Honourable Herman Witsius Ryland, who was born in England in 1760 of German extraction. From 1793 he was Civil Secretary of Lord Dorchester and his successors. He was appointed a Legislative Councillor, and died at Beauport, near Quebec, on 20th July, 1838. "He was a man of commanding talents and of no small self-will and energy of character, and during his residence in Lower Canada became an almost absolute dictator in the political affairs of the province." He was the father of George Herman Ryland, and grandfather of Warwick Hastings Ryland, both of whom held the office of Registrar of Montreal. The "Lively" to which Sewell refers was captured by the French privateer "Gironde," but was recaptured with M. Cazeles and his prize crew by the "Cleopatra" frigate. John Black was taken prisoner on his way to Quebec and carried into France, but subsequently made his escape from Bayonne.

There is one part of that paragraph wherein "every" Medical Aid was afforded him, is not true — as many Gentleman of the Faculty in this Town, was not consulted. I, therefore look upon that part of your assertion as void of truth, and must make you a Public Liar.

I am Sir your most h'ble serv.

Chas. Blake (1).

Isaac Ogden, Senr., Esq.,

Montreal, Decr. 20th. 1805.

Sir,

After seeing Mr. Edwards yesterday (and upon mature Deliberation this Day) think I was too hasty in my Expressions; and have taken a Word as meant ill towards me, that was never intended.

As this may be the Case I beg leave to apologize for so doing — and hope when we meet, it will be on the same Friendly Footing as heretofore. I am with Respect.

Your most h'ble serv.

Chas. Blake

The Honble Justice Ogden.

(1) Dr. Charles Blake was Surgeon of the 34th Regiment. In 1779 he resigned the surgeoncy of this regiment and was appointed Surgeon to the Garrison of Montreal, succeeding Dr. Richard Huntly. He was twice married, first in April, 1783, to Mary Sunderland, and secondly to Harriet Antill who after his death married Bernard Antoine Panet. Dr. Blake died on 22nd April, 1810, at Montreal.

The following is a List of King's and Queen's Counsel,
of Lower Canada appointed to 1867.

Edward Bowen,	Quebec,	20 June, 1809.
David Ross,	Montreal,	3 September, 1811.
Alexis Caron,	Three Rivers,	30 May, 1812.
Charles Richard Ogden,	Three Rivers,	9 January, 1816.
Jean Thos. Taschereau,	Quebec,	9 October, 1821.
Pierre Vézina,	Three Rivers,	15 July, 1824.
Jos. Rémi Vallières de St. Réal,	Quebec,	29 October, 1825.
Stephen Sewell,	Montreal,	25 July 1827.
Andrew W. Cochran,	Quebec,	6 September, 1828.
Joseph Bédard,	Montreal,	4 February, 1831.
Frédéric Auguste Quesnel,	Montreal,	5 April, 1831.
Michael O'Sullivan,	Montreal,	5 April, 1831.
Philippe Panet,	Quebec,	28 December, 1831.
Dominique Mondelet,	Montreal,	26 November, 1832.
Ebenezer Peck,	Saint-Francis,	8 February, 1833.
James Charles Grant,	Montreal,	19 June, 1835.
Alexander Buchanan,	Montreal,	19 June, 1835.
John Francis Joseph Duval,	Quebec,	22 June, 1835.
Augustus David Bostwick,	Three Rivers,	11 March, 1836.
Henry Black,	Quebec,	24 September, 1836.
Charles Dewey Day,	Montreal,	4 January, 1838.
Pierre Benjamin Dumoulin,	Three Rivers,	13 January, 1838.
John Boston,	Montreal,	31 March, 1838.
Henry Driscoll,	Montreal,	31 March, 1838.
André Rémi Hamel,	Quebec,	14 May, 1839.
Côme Séraphin Cherrier,	Montreal,	16 February, 1842.

Francis Ward Primrose,	Quebec,	16 February, 1842.
Duncan Fisher,	Montreal,	16 February, 1842.
Louis Hypolite La Fontaine,	Montreal,	15 September, 1842.
Thos. Cushing Aylwin,	Quebec,	23 September, 1842.
Auguste Norbert Morin,	Montreal,	13 October, 1842.
George Vanfelson,	Quebec,	27 March, 1843.
William Collis Meredith,	Montreal,	19 July, 1844.
John R. Hamilton,	Quebec,	25 July, 1844.
James Smith,	Montreal,	31 August, 1844.
Joseph André Taschereau,	Quebec,	21 August, 1845.
William Badgley,	Montreal,	13 June, 1847.
Joseph Edouard Turcotte,	Three Rivers,	8 December, 1847.
Réné Edouard Caron,	Quebec,	25 April, 1848.
Lewis Thos. Drummond,	Montreal,	7 June, 1848.
William King McCord,	Quebec,	16 September, 1848.
Francis Godschall Johnson,	Montreal,	11 February, 1848.
John Rose,	Montreal,	11 February, 1848.
Pierre J. O. Chauveau,	Quebec,	30 August, 1853.
Dunbar Ross,	Quebec,	31 August, 1853.
Frederick Griffin,	Montreal,	8 April, 1856.
Antoine Polette,	Quebec,	18 December, 1854.
Henry H. Judah,	Three Rivers,	18 December, 1854.
George Okill Stuart,	Quebec,	18 December, 1854.
Frederick Griffin, (revoked),	Montreal,	18 December, 1854.
Gustavus Wm. Wicksteed,	Quebec,	18 December, 1854.
Narcisse Fortunat Belleau,	Quebec,	18 December, 1854.
Jean Chabot,	Quebec,	18 December, 1854.
Andrew Stuart,	Quebec,	18 December, 1854.
William Locker P. Felton,	St. Francis,	18 December, 1854.
Norbert Dumas,	Montreal,	18 December, 1854.
Georges Etienne Cartier,	Montreal,	18 December, 1854.

Samuel Cornwallis Monk,	Montreal,	18 December, 1854.
Louis Victor Sicotte,	St. Hyacinthe,	18 December, 1854.
François Xavier Lemieux,	Quebec,	18 December, 1854.
Timothy Lee Terrill,	Sherbrooke,	18 December, 1854.
Thomas J. J. Loranger,	Montreal,	18 December, 1854.
James Hallowell,	Sherbrooke,	26 February, 1855.
Charles Panet,	Quebec,	26 February, 1855.
Charles Alleyn,	Quebec,	26 November 1857.
Charles J. Laberge,	Montreal,	2 August, 1858.
Joseph Amable Berthelot,	Montreal,	10 February, 1859.
Louis Siméon Morin,	Montreal,	19 January, 1860.
Jean Thomas Taschereau,	Quebec,	5 June, 1860.
Félix Odilon Gauthier,	Quebec,	14 November, 1860.
Edward Carter,	Montreal,	17 March, 1862.
John J. C. Abbott,	Montreal,	24 May, 1862.
Hon. Antoine Aimé Dorion,	Montreal,	16 May, 1863.
L. S. Huntington,	Waterloo,	28 May, 1863.
Frederick Andrews,	Quebec,	15 August, 1863.
John James Day,	Montreal,	15 August, 1863.
Louis Gonzague Baillargé,	Quebec,	15 August, 1863.
John Buckworth Parkin,	Quebec,	15 August, 1863.
Henry Stuart,	Montreal,	15 August, 1863.
Ulric J. Tessier,	Quebec,	15 August, 1863.
Télesphore Fournier,	Quebec,	15 August, 1863.
Jno. Sewall Sanborn,	Sherbrooke,	15 August, 1863.
Joseph Doutre,	Montreal,	15 August, 1863.
Francis Cassidy,	Montreal,	15 August, 1863.
Rodolphe Laflamme,	Montreal,	15 August, 1863.
Siméon Lelièvre,	Quebec,	12 February, 1864.
Louis A. Oliver,	Montreal,	12 February, 1864.
Andrew Robertson,	Montreal,	12 February, 1864.
Rouer Roy,	Montreal,	12 February, 1864.

Alexander Cross,	Montreal,	12 February, 1864.
Straehan Bethune,	Montreal,	12 February, 1864.
Charles G. Holt,	Quebee,	12 February, 1864.
Joseph Magloire Hudon,	Quebee,	12 February, 1864.
James O'Halloran ,	Cowansville,	12 February, 1864.
Hector Louis Langevin,	Quebee,	30 March, 1864.
James Armstrong,	Montreal,	28 June, 1867.
J. N. Bossé,	Quebec,	28 June, 1867.
Jacques Crémazie,	Quebec,	28 June, 1867.
L. E. Nap. Casault,	Quebee,	28 June, 1867.
Henry J. O'C. Clarke,	Quebee,	28 June, 1867.
Louis C. V. de Niverville,	Three Rivers,	28 June, 1867.
Christopher Dunkin,	Montreal,	28 June, 1867.
Paul Denis,	Montreal,	28 June, 1867.
George Futvoye,	St. John's,	28 June, 1867.
George Irvine,	Quebee,	28 June, 1867.
Philippe J. Jolicoeur,	Quebee,	28 June, 1867.
Charles André Leblanc,	Montreal,	28 June, 1867.
Pierre Légaré,	Quebee,	28 June, 1867.
Robert Mackay,	Montreal,	28 June, 1867.
Gédéon Ouimet,	Montreal,	28 June, 1867.
E. U. Piché,	Montreal,	28 June, 1867.
F. P. Pominville,	Montreal,	28 June, 1867.
T. K. Ramsay,	Montreal,	28 June, 1867.
F. W. Torrance,	Montreal,	28 June, 1867.
Henri Elzéar Tasehereau,	Quebee,	28 June, 1867.
Fred. C. Vannovous,	Quebec,	28 June, 1867.
W. H. Webb,	Sherbrooke,	28 June, 1867.
Henry Ogden Andrews,	Montreal,	28 June, 1867.
T. W. Ritchie,	Montreal,	28 June, 1867.

From "Le Canadien" 19 December, 1838.

UNE PAGE POUR L'HISTOIRE

Les pièces que nous publions sous ce titre dans la feuille de ce jour, mettent au jour des faits si étranges que nous craignons que le tout ne paraisse une fiction au-dehors. Nous disons au-dehors, car au-dedans on croira facilement à la réalité de tout ce qui se trouve rapporté dans ces pièces. Plût au Ciel, hélas! que l'époque actuelle ne réservât pas de pages plus noires, à l'histoire. L'arbitraire, l'abus de la force a été poussé à tel point en ce pauvre pays qu'il n'y a rien qui puisse maintenant surprendre un Canadien. Mais il n'en a pas de même des étrangers, qui s'imaginent que nous vivons ici sous le régime protecteur des lois anglaises et des institutions britanniques. Aux étrangers donc, nous affirmons que ce n'est pas une fiction que nous publions sous le titre ci-dessus; que c'est bien sérieusement que les deux Messieurs qui donnent la garantie de leur nom, mettent au jour la relation qui suit, comme un rapport exact de ce qui leur est arrivé:—

UNE PAGE POUR L'HISTOIRE

Mr. l'Editeur du Canadien est prié de publier les pièces qui suivent, de la part des soussignés.

Montréal, 14 décembre, 1838.

L. H. LAFONTAINE,

CHARLES MONDELET.

Prisons de Montréal, le 3 décembre, 1938.

A Son Excellence Sir John Colborne, Administrateur du
Gouvernement du Bas-Canada, etc., etc., etc.

Sir,

Dans des siècles où le droit, la justice, étaient des mots pour ainsi dire inconnus aux peuples, la tyrannie, quelquefois, avait au moins des bornes. Ici, au contraire, elle semble devoir durer aussi longtemps que la malice, la haine, la vengeance existeront dans le cœur de l'homme.

Voilà, demain, un mois que j'ai été, sous votre administration et par vos employés, trainé de force dans cette prison, avec plusieurs de mes concitoyens que vous savez être également innocents. Nous sommes détenus au secret, sans avoir la liberté de communiquer avec nos familles ni avec qui que ce soit.

Sous un gouvernement si vanté, la plupart d'entre nous ont été emprisonnés comme des animaux errants dans les rues. C'est le résultat de la "carte blanche" donnée au premier venu d'arrêter qui bon lui semblait. L'immoralité qui caractérise cette violation de tout ce qu'il y a de plus sacré, la liberté personnelle du citoyen, n'était comblée pour rien par les subalternes du pouvoir, voir même s'ils n'y trouvaient pas un sujet de satisfaction.

Arrêté illégalement le quatre novembre, je suis détenu dans cette prison plus illégalement encore. Par respect pour votre situation, je dois supposer qu'il existe contre moi quelque accusation, peut être formulée après coup, n'importe. L'accusation de haute trahison est à l'ordre du jour. Ce sera sans doute celle-là ! Eh ! bien, je demande solennellement à votre Excellence, mon procès devant les tribunaux légaux et constitutionnels de mon pays. Je le demande comme un droit, car je crois qu'il en existe encore dans les lois écrites. Si je pouvais m'abaisser jusqu'à demander une faveur, encore comme telle, je solliciterais mon procès.

Un gouvernement qui a tant de moyens à sa disposition, ne doit pas hésiter à justifier l'oppression dont ses employés prennent plaisir à accabler un simple individu, seul, isolé, sans force, si ce n'est celle de sa pensée et de sa conscience que, Dieu merci, le pouvoir ne réussira jamais à enchaîner quoique la force physique puisse tenir son corps renfermé sous les verroux.

Ce n'était pas assez pour assouvir la haine et la vengeance qui ont dicté mon arrestation, de m'emprisonner moi seul, il fallait encore pour mieux parvenir au but proposé, celui de ma ruine et celle de ma famille, emprisonner mon parent et associé dans l'exercice de ma profession d'avocat, seule ressource de notre existence. Il fallait par là ruiner une nombreuse clientèle qui porte ombrage. S'il en faut une preuve, entre mille autres, on la trouve dans le fait que de tous les avocats, en société au barreau de Montréal, nous sommes les deux seuls associés qui soyons tous deux incarcérés.

Ce n'était pas encore assez : il fallait, au risque même de s'exposer à violer votre parole donnée par écrit à la population du nord du District, arrêter le Dr Berthelot, de la rivière du Chêne, dont le seul crime est d'être médecin et surtout d'être mon beau-frère (1). C'est ce qui lui a servi de passe-port pour venir habiter nos cachots. Il ne me reste plus qu'un seul membre de ma famille en liberté. Elle trouve peut-être momentanément une protection dans son sexe.

(1) In this letter it will be noted that LaFontaine refers to the arrest of Dr. Berthelot, "mon beau-frère", which effectually disposes of the confusion created by the reproduction of La Fontaine's letter in "LaFontaine et son Temps" by Mr A. D. DeCelles and in the "Revue Canadienne", in which, Dr. Berthelot is called "mon beau-père", a reference to which was made in the notes published by Mr. E. Z. Massicotte on Sir L. H. LaFontaine in "Bulletin des Recherches Historiques" in 1916 and 1917, and in the notes on "Amable Berthelot, Avocat", by Mr. P. G. Roy, published in the Bulletin for 1917. LaFontaine married Adèle Berthelot, daughter of Amable Berthelot, Advocate, of Quebec, and sister of Dr. Amable Berthelot, of Rivière du Chêne. Their grandfather was Michel Amable Berthelot d'Artigny, Advocate, of Quebec.

Si votre Excellence me refuse mon procès ou ma liberté, et persiste à autoriser la continuation de notre emprisonnement, à vous, Sir, je serais forcé d'attribuer, la ruine totale qui me menace moi et ma famille, la tyrannie pratiquée envers ma personne, et la privation de ma liberté qui m'est encore plus chère. Cette liberté je ne veux pas l'obtenir sans solliciter mon procès. La force physique m'a entraîné dans ce lieu; mais que peut-elle, d'une manière durable, contre la force morale de l'innocence en présence de ce tribunal qui fait tôt ou tard une égale justice et des gouvernements et des gouvernés.

J'ai l'honneur d'être,
de Votre Excellence,
le très humble Serviteur,

(Signé) L. H. LAFONTAINE.

(Vraie copie)

L. H. Lafontaine.

A. A. Buchanan, Eer., D. Fisher, Eer., John Bleakley, Eer., et G. Weekes, Eer., Avocats, etc., etc.

Messieurs,

En réponse à votre prétention de m'interroger, je vous déclare qu'il m'est impossible de concevoir en vertu de quelle autorité légale vous assumez cette prétention. Il serait absurde de penser que vous me forcez à venir devant vous comme témoin. Entraîné de force dans cette prison le quatre novembre dernier, ce ne peut être que comme prisonnier et par conséquent comme accusé que vous voulez sans doute essayer à m'interroger. Dans ce cas, mon opinion est qu'un des objets réels de votre prétendue enquête est de m'exposer moi et les autres prisonniers amenés devant vous, à nous incriminer. C'est fouler aux pieds tout ce que les lois anglaises, la justice, la morale, ont de plus sacré. Le chef de l'Exécutif, dont vous agissez comme subdélégués, quoiqu'illégal-

ment, sait déjà, ou doit déjà savoir, que ma détention et celle d'un grand nombre d'autres, dans cette prison, sont illégales, immorales, injustifiables sous tous les rapports, et pour plusieurs d'entre nous, le fruit de la malice, de la haine, et de la vengeance, et qu'elles ont eu lieu dans la vue d'opérer notre ruine et celle de nos familles. Votre prétendue enquête n'a été avisée que comme un piège tendu à l'innocence des prisonniers, et ce qu'en-tr'autres elle a aussi pour objet d'essayer de pallier, après coup, l'emprisonnement tyrannique et illégal d'une foule de citoyens auxquels le gouvernement n'a encore pu, et ne peut encore rien imputer, nonobstant tous les moyens à sa disposition. Je persiste dans le contenu de ma lettre du trois du courant, adressé à Son Excellence Sir John Colborne, et dans laquelle je lui demande solennellement mon procès ou ma liberté pleine et entière. Pour les raisons ci-dessus, je refuse de reconnaître et nie les pouvoirs et juridiction que vous prétendez exercer de la part de l'Exécutif.

Prisons de Montréal, ce 10 décembre, 1838.

Procured before us this 10th day of December, 1838,
by L. H. Lafontaine.

(Signed) DUNCAN FISHER, C.E.

L. H. LAFONTAINE

(Vraie copie)

Précis de la conversation qui a eu lieu, immédiatement avant la lecture de la lettre précédente, L. H. Lafontaine, Prisonnier, et Messieurs Buchanan, Fisher, Bleakley et Weekes, assumant le titre de commissaires pour l'examen des Prisonniers Politiques, le 10 décembre 1838, dans la Prison de Montréal, en présence de Messieurs D. B. Viger et Charles Mondelet, aussi Prisonniers.

M. Fisher.—Avez-vous préparé par écrit vos réponses à cet examen?

M. LaFontaine.—D'abord je veux savoir pourquoi vous m'avez fait venir ici?

Messrs. Fisher et Buchanan.—Nous ne le savons pas.

M. LaFontaine.—Et moi encore moins.

M. Fisher.—Vous êtes appelé à faire votre déclaration.

M. LaFontaine.—Sur quoi et sur quels faits?

M. Fisher.—Nous voulons avoir votre déclaration sur les événements récents.

M. LaFontaine.—Dans ce cas, je dois demander si c'est comme témoin, espion (1), ou accusé que vous entendez m'interroger.

M. Fisher.—C'est comme accusé.

M. LaFontaine.—Dans ce cas veuillez me dire de quoi je suis accusé, et par qui je l'ai été.

M. Fisher.—Je n'en sais rien.

M. Buchanan.—Ni moi non plus. Cependant, il paraît par les livres que vous êtes ici sur soupçon de trahison.

M. LaFontaine.—Par quels livres, s'il vous plaît? et par qui cette accusation est-elle portée.

M. Buchanan.—Oh! il n'y a rien. Il n'y a pas d'affidavit contre aucun de vous, et nous n'avons aucun document pour le montrer.

M. LaFontaine.—C'est bien, Messieurs, je prends acte de la déclaration que vous venez de faire, qu'il n'y a ni accusation, ni aucun affidavit contre nous.

Puis, voici ma réponse à l'examen, que vous prétendez me faire subir.

Cette réponse est celle ci-dessus écrite.

(1) C'est le mot "délateur" que je voulais employer; cependant j'ai fait usage du mot "espion".

Telle est en substance, cette conversation, pendant laquelle Messrs. Bleakley et Weekes ont gardé le silence.

Je certifie vraie la substance de cette conversation, telle que ci-dessus rapportée.

10 décembre, 1838.

CHARLES MONDELET.

A Son Excellence Sir John Colborne, Administrateur du
Gouvernement du Bas-Canada, etc., etc., etc.

Sir,

Le silence que j'ai gardé jusqu'à présent, depuis quatre semaines d'emprisonnement, ne doit pas être considéré comme un acquiescement servile à l'acte de tyrannie que vos employés subalternes ont commis à mon égard, le 4 de novembre dernier; si je n'ai pas élevé la voix, c'est parce qu'il m'était difficile, pénible même, de croire qu'un citoyen arrêté, sans cause quelconque, serait détenu longtemps sous les verroux, par l'ordre ou l'autorisation du gouvernement. Il est pourtant un adoucissement dans la captivité, c'est de se voir au milieu d'une foule d'hommes vertueux et honnêtes qui ne sont punis que parce qu'ils le sont.

Quelque disposé que soit un homme raisonnable à tenir compte à un gouvernement, de l'état d'excitation et de malaise que peuvent amener des circonstances toute particulières, il ne l'est pas à excuser de la violation à son égard, de ce qu'il y a de plus sacré, comme de plus important dans la société, la sécurité et la liberté individuelles.

Le 4 novembre dernier, je fus arrêté dans la rue Notre-Dame, en face du Palais de Justice, où je passais publiquement et tranquillement; étranger à la fièvre, dont tant d'hommes paraissaient atteints, je ne m'attendais guères à me voir interpellé par un agent de la Police qui n'avait aucun warrant, de le suivre au corps de garde où je fus conduit, et de là écroué dans une prison. Cette iniquité a été commise, et Votre Excellence n'y a pas encore porté remède.

La liberté de communiquer avec ma famille, avec mon associé, et avec qui que soit, m'est interdite, elle l'est de même à mes compagnons de captivité. Que sous le gouvernement anglais, l'on permette, l'on autorise même, une conduite qui cadre aussi mal avec ses institutions, c'est ce dont l'opinion publique en ce pays, et ailleurs, fera justice.

En Amérique ou le citoyen homme de profession n'a pour soutenir honnêtement sa famille, que les ressources de cette profession, quel doit être le sentiment profond d'indignation qui l'anime, lorsque tout à coup, il se voit enlevé à cette famille qu'il chérit, à ses affaires, privé de sa liberté, et jeté dans les cachots, et pourquoi ? Pourquoi ? C'est à ceux qui ont levé une main sacrilège contre ma liberté, à le dire à Votre Excellence, et c'est à Votre Excellence à me répondre ensuite.... Je l'ignore.

Quelque amour que je porte à ma femme, à mes enfants, je leur dois, je me dois à moi-même, de conserver avant tout, mon caractère d'homme; si je demandais une faveur au gouvernement, je me dégraderais; si je réclamaïs le droit le plus sacré, je m'avilirais.

Je demande, donc, mon procès devant les Tribunaux compétents ou je suis prêt, non pas à me justifier, il n'y a pas d'accusation contre moi, mais à confondre l'injustice.

Je dois franchement dire à Votre Excellence qu'une détention prolongée consommera ma ruine et celle de ma famille, et que fort de mon innocence comme je le dois, j'attribuerai à Votre Excellence, ce malheur, si l'on ne m'accorde ce que je demande, et si l'on ne fait cesser l'injustice dont je suis la victime.

J'ai l'honneur d'être,

De Votre Excellence,

Le très humble serviteur,

Prison de Montréal,

CHARLES MONDELET.

3 décembre, 1838.

Δ Alexander Buchanan, Ecuyer, Duncan Fisher, Ecuyer, John Bleakley, Ecuyer, et George Weekes, Ecuyer.

Charles Mondelet, Ecuyer, Avocat de Montréal, illégalement, injustement et tyranniquement arrêté le 4 novembre dernier, et depuis ce temps retenu forcément sous les verroux de la prison de Montréal, sans droit et sans cause, et amené de force et contre sa volonté devant certains Commissaires que l'on dit avoir été nommés par l'Administrateur Sir John Colborne, persistant dans la réclamation qu'il a faite par sa lettre à Sir John Colborne, le 3 de décembre courant, refuse formellement de reconnaître, et nie de même les pouvoirs et la juridiction que l'Exécutif a prétendu donner aux dits Commissaires, de faire subir des interrogatoires à ceux qui sont écroués, dans cette prison, pour prétendues offenses politiques; attendu, entre autres raisons, que la mission des dits Commissaires est illégale et inconstitutionnelle, et a pour objet de faire subir des interrogatoires inquisitoriaux, à l'accusé ou détenu, procédé illégal, insidieux, immoral, injuste et ridicule.

Prison de Montréal, ce 10 décembre, 1838.

CHARLES MONDELET.

Sur le revers.

Montréal, 10 décembre, 1838.

presented to me by Charles

Mondelet, Esquire.

A. Buchanan,

Commr.

Précis de ce qui s'est passé entre Messieurs Buchanan, Fisher, Bleakley et Weekes, Commissaires nommés par Sir John Colborne pour examiner les prisonniers politiques.

et

Messrs. D. B. Viger, L. H. Lafontaine, et Charles Mondelet, à la prison de Montréal.

Le 10 de décembre, 1838.

Messrs. Viger, LaFontaine et Mondelet étant entrés dans l'appartement où étaient les Commissaires qui les avaient envoyé chercher, M. Fisher s'adressa à M. Mondelet, en anglais, et lui observa qu'il savait sans doute ce dont il était question.

M. Mondelet.—Non, je l'ignore.

M. Fisher.—Nous avons été nommé par Son Excellence, pour prendre l'examen ou la déclaration volontaire des personnes détenues en prison.

M. Mondelet.—En vertu de quelle loi, ou de quel pouvoir ?

M. Fisher.—Il n'y a pas de loi, c'est en vertu de notre Commission.

M. Mondelet tirant de sa poche, un papier, le remit à M. Buchanan, qui s'imaginant que c'était une déclaration, écrivit au bas "acknowledged".

M. Mondelet.—M. Buchanan, ce papier ne renferme pas une déclaration, mais bien un Protêt; permettez, je vais moi-même en faire la lecture.

M. Mondelet fit alors à haute voix la lecture du Protêt.

M. Buchanan.—Voulez-vous me permettre d'effacer avec mon canif, le mot "acknowledged" et y substituer "presented."

M. Mondelet.—Certainement.

M. Fisher s'adressant alors à M. LaFontaine, la conversation rapportée au papier rédigé par M. L., eût lieu.

Il est à remarquer que les Commissaires ont déclaré qu'il n'avait aucun affidavit contre Messrs. Viger, LaFontaine et Mondelet.

M. Fisher a ensuite demandé à M. Viger, s'il avait préparé quelque chose par écrit.

M. Viger.—Je n'ai rien préparé, je ne m'attendais pas à être examiné; mais je dis que je n'admets pas la légalité de la Commission. J'ignore pourquoi j'ai été pris, et comment on m'a conduit ici.

Ce qui fut rédigé par écrit par M. Fisher.

Messrs. Viger, LaFontaine et Mondelet se retirèrent ensuite.

Voilà en substance, ce qui s'est passé.

Prison de Montréal, 10 décembre, 1838.

CHARLES MONDELET.

Je certifie vraie la substance de la conversation suivant ce que ci-dessus rapporté.

Prison de Montréal, 10 décembre, 1838.

L. H. LaFONTAINE.

The original letter from Mr. Charles Mondelet to the Commissioners bears the following statement in the handwriting of the Chief Commissioner, Alexander Buchanan, K.C. :—

"The within named Charles Mondelet, Esquire, having been requested on our part to come before us voluntarily, placed in our hands this document, which he brought with him ready prepared, the interval of time between our request and the production hereof not

being sufficient to admit of its being written in the usual course and the date being left blank, and the 10 having been by him inserted in our presence. (1).

Montreal, 10 December, 1838

A. Buchanan,
Commr.

Geo. Weekes, Commr.

John Bleakley,

Duncan Fisher,
Commr.

Commr.

(This document is endorsed).

Charles Mondelet, Esq.

Montreal, 10 December, 1838,

presented to me by Charles Mondelet, Esquire.

A. Buchanan,

Commr.

(1). The Commission appointing the Commissioners and dated 30th November, 1838, reads as follows :—

"Whereas there are now divers persons as well Our Subjects as aliens now confined in the Common Gaol of and for our District of Montreal or otherwise in custody in the said District of Montreal in Our said Province of Lower Canada and divers other persons as well Our Subjects as aliens continue to be committed to such Common Gaol and such other Custody as aforesaid charged with High Treason, Misprison of High Treason Treasonable practices Sedition and other Crimes and offences committed or supposed to have been committed during the wicked Rebellion which lately broke out and is still subsisting in our said Province. — And whereas we are willing that due enquiry should be forthwith made into the cases of the persons so confined and in custody or who may hereafter be so confined and in custody charged with some one or more of the offences aforesaid by the voluntary Examinations of the persons so confined or in custody or by such other Evidence as the Case or Cases may require and that the result of such enquiry should be reported to our Governor of our said Province or to the person administering the Government thereof. — Now therefore know ye that we having confidence in the integrity loyalty and ability of ALEXANDER BUCHANAN, GEORGE WEEKES, JOHN

Letter from Attorney-General L. H. LaFontaine to Alexander Buchanan, Q. C. (2).

Privée.

Kingston, 9 mars 1843.

Cher Monsieur.

Il y a maintenant devant la Cour du District de St-François, cinq ou six causes de même nature intentées par la Couronne, en 1836, contre les enfants mineurs de Mr. Felton. L'objet de ces poursuites est de faire annuler certaines lettres patentes pour octroi de terres. Mr. Hallowell, avocat à Sherbrooke, a été chargé par mon prédécesseur de la conduite de ces causes qu'il faut maintenant faire terminer.

Je suis autorisé par Son Excellence à adjoindre à Mr. Hallowell, l'un des Conseils de la Reine. Ces causes sont à l'enquête qui, je suis porté à croire, doit être faite au moyen de commissions rogatoires. — Me feriez-vous le plaisir de me dire si vous pouvez agir com-

BLEAKLEY and DUNCAN FISHER of the City of Montreal Esquires. Have constituted, nominated and appointed and we do hereby constitute nominate and appoint the said ALEXANDER BUCHANAN, GEORGE WEEKES, JOHN BLEAKLEY and DUNCAN FISHER, to be our Commissioners to make due and diligent enquiry into all and every the cases of the said persons who now are or may hereafter be confined in the said Common Gaol or who are or may be otherwise in Custody as aforesaid charged with any one or more of the offences aforesaid by the voluntary examinations of the persons so confined or in custody or by such other evidence as the cases may require respectively and to report the result of such their enquiries and the examination and evidence so by them to be taken and their opinions of all and every such case and cases to our Governor of our said Province or to the Person Administering the Government thereof with all convenient Speed."

(2) The above letter written five years after the gaol episode, shows that Mr. LaFontaine bore no ill-will to Mr. Buchanan for his share with his colleagues in following out their duties as Commissioners requiring LaFontaine to come before them to take his voluntary declaration.

me Conseil de Mr. Hallowell, car il vous faudra faire au moins un voyage à Sherbrooke. — Si vous me répondez affirmativement, je vous écrirai alors une lettre officielle. — Je crois que vous avez oublié d'accuser la réception d'instructions que je vous ai adressées pour diriger des poursuites contre quelques encanteurs.

Avec estime,

Votre dévoué servt.

L. H. LaFontaine.

A. Buchanan, Ecr., Q. C.

Montréal.



The Late Chief Justice Sir Francis Godschall Johnson.

The Bench and Bar of the Province of Quebec, and the public in general, have indeed lost a man eminent for genius, in the stately and courteous person of Sir Francis Godschall Johnson, Chief Justice of Her Majesty's Superior Court of this province, a gentleman, whose intellectual attainments and charming personality, united with a tenderness of disposition, sweetness of temper, and playfulness of spirits, endeared him to all his friends and to all who had the good fortune to be brought into contact with him. He was the last of those courtly gentlemen of what in these days is popularly designated as the "Old School." On the bench either sitting at "enquête or merits," or charging a jury, or as president of the Court of Review, his graceful and dignified figure and his high sense of the manner in which he considered that a British Court of Justice should be conducted, commanded the unstinted admiration and deep veneration of all, while in private life, his manners were exceedingly attractive, and his powers of conversation were unlimited and adorned with a vein of sparkling and pungent wit. He possessed to an eminent degree the judicial manner and deportment. His judgments, which have added lustre to the jurisprudence of this country, were of the highest caste and were conspicuous for the soundness of their law, the elegance of their diction, and the lucidity of their expression. The clear and graceful style, the charming voice, the pure elocution, and the happy delivery, with which they were rendered, delighted all who ever heard him. His knowledge of the law was great, and he was without doubt one of the most distinguished judges, which Lower Canada has ever seen, and takes rank easily with the famous Jonathan Sewell, the great Sir James Stuart, and the silver-tongued Vallières de Saint Réal, his great and illustrious predecessors in the high office of Chief Justice, and it may well be said that an historic figure has

passed away from our midst. It is chiefly through their decisions, that the characters and lives of judges are known to posterity, and a great jurist has written with great truth that, "law reports are dramatic in their plan and structure. They abound in pathetic incident, and displays of feeling. They are faithful records of those 'little competitions, factions, and debates of mankind' that fill up the principal drama of human life: and which are engendered by the love of power, the appetite for wealth, the allurements of pleasure, the delusions of self-interest, the melancholy perversion of talent, and the machinations of fraud. They give us the skilful debates at the bar, and the elaborate opinions of the bench, delivered with the authority of oracular wisdom. They become deeply interesting, because they contain true portraits of the talents and learning of the sages of the law."

The late lamented Chief Justice was born at Oakley House, in Bedfordshire, England, on the 1st January, 1817, and was the fifth of six sons of Captain Godschall Johnson, of Arthingworth Hall, Northamptonshire, in England, at one time Captain in the dashing 10th Royal Hussars, the crack regiment of the period, and afterwards H. B. M's. Consul-General in Belgium, by Lucy, eldest daughter of Sir Cecil Bishop, Bart. James Godschall Johnson, a brother of Sir Francis, who died at Montreal on the 22nd June, 1867, was a prominent member of St. Paul's Lodge, of which he at one time was the Master, besides holding in succession all the other different offices: he was also instrumental in raising one of the volunteer corps of this city. Another brother was Robert Godschall Johnson, one of the Queen's messengers, a post of great honor and distinction, who died at Spreighton House, East Moulsey, in England on the 28th December, 1889, aged 60 years. Sir Francis was educated at Harrow, where he studied under the celebrated Dr. Drury, and subsequently at the College Communale at Saint Omer, France, and then at Bruges in Belgium, at which places he acquired a know-

ledge of the French language in all its purity, which in after years made him remarkable for the elegance and polish with which he expressed himself in that classic tongue, in which he was not easily surpassed. Coming to Canada in the year 1835, and entering on the study of the profession of law at Montreal, the future Chief Justice commenced his readings of the old French authors, Pothier, D'Aguesseau, Pigeau and Ricard, at first in the office of Henry Driscoll, Q.C., a prominent lawyer, newspaper editor and famous wit, with whom he remained some time, after which he entered the office of the Hon. Charles Dewey Day, at that time Solicitor-General, with whom he completed his studies, and being called to Bar in 1839, he became the partner of that gentleman, and almost immediately obtaining a large practice, and his oratory being very effective before a jury, his rise was rapid, and he soon built up a reputation for forensic eloquence and shining ability in jurisprudence. In the ever-memorable years 1837-38, while yet a student at law, he acted as translator to the Military Tribunal known as the "General Court Martial," appointed to try the political prisoners. The Counsel for the Crown were the Hon. Dominique Mondelet, Q.C., and Charles Dewey Day, Q.C., while the counsel for the accused were Lewis T. Drummond and Pierre Moreau. The court met for the first time on the 19th of November, 1838, but the regular proceedings only commenced on the 28th of that month in the old court house and of this trial Sir Francis in his own words has said, "and my hand recorded, and my tongue translated every word of the evidence that was given in those cases." About the year 1840 he entered into partnership with that distinguished lawyer, Alexander Buchanan, Q.C., for many years the acknowledged leader of the Bar of Lower Canada, whose opinion was regarded by both the Bench and Bar as equivalent to "*chosc jugée*" from which an appeal was futile. This partnership subsisted until December 1845, when it was dissolved. He was appointed by Sir Charles Bagot, then Governor-General, to act as secretary to the commission appointed on the 16th March,

1842, to revise the Acts and Ordinances of Lower Canada and to Consolidate such of them as related to the same subject and which could be advantageously consolidated. This commission was composed of the Hon. Charles Richard Ogden, then Attorney General for Lower Canada: the Hon. Charles Dewey Day, then Solicitor General for the same: the late Alexander Buchanan, Q.C.; the Hon. Hughes Heney, advocate, and G. W. Wicksteed, advocate.

In 1847 Sir Francis was created a Queen's Counsel, or as it now finically termed, "took silk," which, after the 1849 episode, was confirmed by commission dated the 5th July, 1853. In 1854 he was appointed Recorder of Rupert's Land and Governor of Assiniboia, where he remained four years, returning to Montreal in 1858, when he resumed his law practice, and in 1859 on the elevation of the late Judge Monk to the bench, he was appointed Crown Prosecutor for the extensive district of Montreal, which in those times had a very large jurisdiction in criminal matters. He held this important position for almost eight years, during which time he conducted many "causes celebres", with great ability and brilliancy, securing many convictions. He excelled in the art of cross-examination, and his arguments to the bench and his addresses to the jury, were models of eloquence and notable for their purity of style and perspicuity of language. On the 1st of June, 1865, he was appointed Judge of the Superior Court for the District of Bedford, rendered vacant by the death of Judge J. S. McCord, of Montreal. Sir Francis was succeeded as Crown Prosecutor by the late Judge Ramsay, of the Court of Queen's Bench. He acted as Special Commissioner in 1870 to report on the state of the laws in Manitoba, a work for which he was eminently fitted. He also executed another commission, as well as the office of Judge in Manitoba. He was transferred from the District of Bedford to that of Montreal in October, 1872, and on the 10th of December, 1889, on the retirement of Sir Andrew Stuart he was appointed Chief Justice of the Superior Court of

the Province of Quebec, and was installed as such with great ceremony in the presence of the bench and bar amidst universal congratulation on Saturday, the 25th January, 1890, and this high position he held at the time of his death. He received the honor of knighthood on the 24th May, 1890, and died on Sunday, the 27th May last. He went several times on the Continent, and while abroad became acquainted with many distinguished persons, by whom he was uniformly treated with the greatest distinction, and in England he was frequently invited to a seat on the bench during the progress of some "cause célèbre", one occasion being when he was honored with a seat on the bench with Mr. Baron Huddleston, in the celebrated *Belt-Lawes* case, which was an action for criminal libel in which the most eminent counsel were engaged, and when many famous persons were examined as witnesses, among others Sir Frederick Leighton, during whose examination Sir Francis was present on the bench. The hearing occupied forty-three days. This was the last case tried in Westminster Hall. As a post-prandial speaker Sir Francis was singularly pleasant, and one of the last occasions on which he appeared at a public dinner was that given last September by the Bench and Bar of this Province to Sir Richard Webster, Q.C., the former Attorney-General of Great Britain, and at which Sir Francis presided with his usual gracefulness and dignity. Many of his witticisms were fashioned in allegorical phraseology, as when once while holding court, an individual wearing creaky boots, which at every step gave vent to an excruciating squeak, entered the court room, when the judge, calling to his erier, said, "Tell that man to put off the shoes from off his feet, for the place whereon he standeth is holy ground." He also sometimes uttered sayings of ironical dissimulation, satirical with gravity, such as, being one time many years ago asked his opinion of the ability of a certain judge, he said that he considered him to be a "highly educated imbecile," and this having come to the ears of the judge so aptly described, the latter became greatly incensed and demanded of Sir

Francis if it was true that he had said what he was reported to have said, when Judge Johnson replied, "My dear fellow, how could I have said that, for you know that you have had no education whatever." The writer of the able editorial in the *Montreal Gazette* in noticing the death of Sir Francis, has happily expressed that species of polite humour, at which the Chief Justice was great, when the writer says, "He had. . . . a great dislike of humbug, and a sarcastic humour that, brought out by a display of egotism or bumptiousness on the part of some pleader before him, showed itself in a reproof, clothed oftentimes in language of abject humility, that was remembered in the corridor of the court house for many a year." Like many of his professional brethren of some fifty years ago, when the propensity for duelling was still indulged in to a considerable extent, and when it was a matter of course to call out one's man or be called out, he fought several duels, in one of which his adversary was Aaron Philip Hart, a Montreal lawyer, the duel taking place in a field which is now the corner of Sherbrooke and University streets. It is also related that on one occasion, about 1839, he fought a duel, which Sir Jonah Barrington would assuredly have classed among his anecdotes of "Duelling Extraordinary." The challenger was a young man engaged in commercial pursuits, who in after years entering the uncertain and stormy arena of politics, was remarkable for the number of times and for the ease with which he changed and adapted to circumstances his political views, which became somewhat elastic whenever there was a chance of self-advancement or hopes of distinction by so doing. As all who were concerned in this affair considered it in the light of a jest, except the challenger, it having arisen from some trivial matter, it was privately arranged that the pistol of the young merchant would be charged with powder only, while that of the young advocate would be loaded with powder and some hard "red currant jelly," all of which was done without the challenger having the slightest suspicion of the trick to be played upon him. The meet-

ing took place, the preliminary formalities were gone through with the greatest ostentation and ceremony, the duellists took their places at a short distance from one another, the word was given, and a simultaneous report ensued. When the smoke cleared away a most laughable spectacle was to be seen, the young merchant cutting a most ludicrous figure, young Johnson having shot him with the red current jelly between the eyes and the forehead, and it was with great exertion that he who was shot was made to understand that he was not mortally wounded; on feeling himself struck; he had fallen to where he lay with what he thought his life's blood slowly oozing down his face, during which time his adversary and the seconds were burstin with laughter, while he earnestly entreated them in the name of all that was sacred to send with the utmost speed for a surgeon and a minister of religion. "This duel extraordinary" was for many years a topic of never-failing mirth to the town, the whole affair soon leaking out, as it was considered too good a story to be lost. But to return to more serious matters, it may here be said that in the year 1866 he tried at Sweetsburg some dozen persons who had taken an active part in the Fenian Raid of 1866, the counsel prosecuting for the Crown was Thomas Kennedy Ramsay, afterwards a puisne judge of the Court of Queen's Bench, and these persons being found guilty, he sentenced the whole lot to be hanged, but they were subsequently pardoned and sentenced to twenty years imprisonment. An instance of his great benevolence of character, and of one of his many acts of chivalry, is the case of a young Englishman who was, some years ago, condemned to practically a life-term of imprisonment in default of paying six thousand dollars, and who was liberated through the instrumentality of the late Chief Justice, who obtained the money through private subscription.

At the advanced age of 78 years, of which time he was twenty-five years at the bar, and almost thirty years on the bench, he has passed away full of honours and

universally mourned. And many there are who have experienced acts of kindness and derived assistance from that large-hearted and good man, and who will sincerely feel his loss, and long, long, will be remembered his handsome and well-bred features, his stately and imposing presence and tall erect figure, straight as an arrow, which was almost daily to be seen in our midst.



Legal Opinion of Mr. A. Panet, Advocate, of Quebec.**Cas en Consultation.**

Vers l'année 1764 Mr. DeLotbinière acquit la seigneurie de Beauharnois, située dans le district de Montréal.

En 1796 ou environ, il vendit cette Seigneurie à Mr. Ellice, qui doit payer le prix à New York.

Mr. Ellice a payé au Roi, dont cette Seigneurie relève le quint de son acquisition; mais le reçu dit sans préjudice aux quints antérieurs.

Les officiers de la Couronne après ce reçu dirent qu'ils intenteraient une action, soit contre Mr. DeLotbinière vendeur, qui depuis, est sorti de la Province et est mort, soit contre ses héritiers ou contre Mr. Ellice acquéreur, pour le paiement des anciens quints, afin qu'avant le paiement du prix de son acquisition, Mr. Ellice pût retenir ce qui est dû au Seigneur dominant, ou s'en fait garantir.

Les légataires du vendeur décédé à New York, y poursuivent le recouvrement du prix qui y est déposé, Mr. Ellice y a fait opposition, afin qu'il en soit conservé assez pour répondre ou satisfaire aux anciens droits de quint que le vendeur pouvait devoir au Roi sur cette seigneurie. Une cour de Justice à New York a ordonné d'y plaider l'opposition de Mr. Ellice, jeudi, le 25 juillet 1799, et les Officiers de la Couronne n'ont pas encore commencé au Canada leur prétendue action pour les anciens droits de quint dûs par feu Mr. DeLotbinière vendeur. Si ses légataires reçoivent le prix, l'Acquéreur n'a pas de sûreté en Canada pour son recours contre eux, à New York.

Questions.—1° Les anciens quints prétendus encore dûs au Roi par feu Mr. DeLotbinière ou ses auteurs sont-ils prescrits après trente ans ?

2° S'il en est dû pour mutation depuis trente ans, comment Mr. Ellice nouvel acquéreur peut-il s'en faire décharger ?

L'Avocat soussigné est d'opinion

Sur la 1^{ère} Question

Que les anciens quints sont prescrits par trente ans, si avant ce temps il n'a été fait aucune saisie ou instance pour les recouvrer, selon le texte de la Coutume de Paris, suivie en Canada, qui règle les fiefs qui y sont enclavés, et que cette prescription a lieu même contre le Roi, parce que "fiscus jure communi utitur, L. I. C. de petit., heredit." Et parce que le quin est un de ces profits casuels, qui n'étant point unis ni incorporés au domaine, se prescrivent par trente ans, comme Ferrière, dans son grand Commentaire sur cet article, dit qu'il fut jugé le 8 Juin 1576, en le soutenant des sentiments de Brodeau, Bacquet, Du Plessis et autres Jurisconsultes. Et, probablement les Officiers de la Couronne n'ont pas voulu risquer une action contre Mr. Ellice, nouvel acquéreur, ni attaquer la Seigneurie pour ces anciens profits casuels, parce qu'ils les savent prescrits après trente ans.

Sur la 2^{ième} Question.

Lors de son acquisition, Mr. Ellice aurait dû stipuler dans son contrat, que son vendeur lui remettroit en certains tems les anciens titres acquittés des profits casuels, ou qu'il retiendrait du prix pour les payer. Faute d'une telle stipulation, Mr. Ellice ne peut retenir le prix, sous le prétexte que son vendeur ne lui a pas remis les quittances de ces anciens profits casuels, avec d'autant plus de raison qu'ils sont réputés payés même prescrits par la loi. Et s'il en est dû pour mutation faite depuis trente ans, Mr. Ellice ayant payé pour son acquisition, quoique sa décharge réserveroit d'exiger les profits ou prétentions antérieurs, il doit se borner à son recours qu'il a de droit en ce cas contre son vendeur ou ses hé-

ritiers et représentants, lorsqu'il sera poursuivi par le Seigneur dominant. Si l'acquisition de feu Mr. DeLotbinière est ancienne de plus de trente ans, Mr. Ellice ne paraît courir aucun risque, à l'égard des profits casuels de ce tems. Si les titres ne montrent aucune mutation ou droits casuels échus depuis trente ans, il paroît que son opposition faite à la délivrance du prix à New York, y est aussi mal fondée, qu'elle auroit été en Canada, à l'égard de pareils droits casuels, non évidents ou prescrits, et son refus de payer le prix ne pouvait se justifier que sur les clauses ou promesses de son contrat d'acquisition concernant les anciens titres ou droits casuels, ou sur le défaut de qualités suffisantes dans ceux qui poursuivent le paiement du prix, comme si des légataires n'ont pas fait approuver ou juger le testament entr'eux et les héritiers, demandé délivrance ou régulièrement poursuivi selon les formes et les Lois du païs où le testament a été fait et où la chose est en action. Peut être que Mr. Ellice ne peut colorer son opposition, qu'en demandant caution d'être garanti, en cas qu'il montre quelque danger d'être troublé autrement.

Délibéré à Québec le 6 juillet, 1799.

A. Panet, Avocat.



The Old Clubs of Montreal.

By Wm. McLennan.

Apart from that picturesque "Ordre de Bon Temps" founded at Port Royal in 1606, so admirably described by its founders for their friends, and for us by Mr. Parkman, I do not know of any regular assemblage which could be called a club under the French régime. Taverns there were in plenty, and though the tavern is responsible for the modern club, the development did not begin until Canada passed under British rule.

The French government did not encourage meetings of citizens save when duly called and arranged. The best class of Canadians was almost puritanical, and the constant hospitality of the officials gave ample outlet for the frivolities of the younger generation. What necessity was there for a club when Bigot and a dozen others kept open house and table in Quebec, and the same obtained to a lesser degree even under the frown of Vaudreuil in Montreal ?

In those days Montreal was of as little importance in the social as she was in the commercial world. Quebec was easily first in all matters; but scarcely had the noise of battle ceased when Alexander Henry set off on his adventurous way into the Northwest, the first of that long series of fur-traders who laid the foundations of Montreal's prosperity.

They formed the "Northwest," the great rival of the Hudson Bay Company, in Montreal, in 1783, and two years later the "Beaver Club" came in to existence; its object being "to bring together at stated periods during the winter season a set of men, highly respectable in society, who had passed their days in a savage country, and had encountered the difficulties and dangers incident to a pursuit of the fur trade in Canada."

The original membership was nineteen, the qualification being a winter passed in the "Pays d'en Haut"—in 1819 there were ninety-three ordinary and eleven honorary members.

Each year the club opened by a dinner on the first Wednesday in December, and met every fortnight during the winter; but later the meetings were extended into the summer, in order that the captains of the company's ships might meet with the "Bourgeois."

No member could issue or accept invitations on the day of the meeting, and certified illness was the only excuse allowed for absence.

In the earlier days they doubtless met either at the Old Coffee House in Capitol Street, or at Dillon's Coffee House in the Place d'Armes, but later they went into permanent quarters in the Mansion House — a large and commodious hotel.

The members of the club wore at its meetings an engraved gold medal with a blue ribbon; it bore the motto, "Fortitude in Distress," the device of a canoe with two men, together with the name of the owner, and a date, which was probably either that of his entrance into the club or of his first winter in the "Upper Country."

Like the old "Ordre de Bon Temps," the Beaver Club preserved a certain ceremony in its proceedings. After the cloth was removed a servant entered bearing a huge Indian calumet, elaborately carved and decorated with bead-work and feathers, which he handed with great ceremony to the president, who drew the three ceremonial whiffs and passed it to the guest of the evening on his right. After having made the circle of the table the calumet was laid in state in the centre, then followed the five compulsory toasts which must be duly honored, and the evening was open.

The membership of this club included such men as Sir Alexander Mackenzie — he who wrote high on the cliffs of the Pacific the modest record, "Alexander Mackenzie, from Canada by land, the 22d of July, one thousand seven hundred and ninety-three" — William MacGillivray his partner, Simon McTavish, the Frobishers, Honorable John Richardson, the Honorable Pierre de Rocheblave, "Sir" Peter Pond, Peter Pangman the "Bostonnais," David Thompson, Chaboillez, and many others equally well known in the story of the Northwest.

The custom of the club was eminently hospitable, and many distinguished men sat at its board. Lord Selkirk, Washington Irving, Sir John Franklin, Lord Dalhousie, and many another have stretched their legs under its mahogany.

Colonel Landmann, then a young Lieutenant of Engineers, who paid his first visit to Montreal in the winter of 1797, tells us of a dinner with Sir Alexander Mackenzie, William MacGillivray, and some twenty others — from the names of some of the guests it may well have been a dinner of the Beaver Club. He relates how, "after taking a satisfactory quantity of wine, perhaps a bottle each, Sir John Johnson, McDonald, Frobisher, O'Brien, Judge Ogden, Tom Walker, and some others retired, leaving about a dozen to drink their health. We now began in right earnest and true Highland style, and by four o'clock in the morning the whole of us had arrived at such a degree of perfection that we could all give the war-whoop as well as Mackenzie and MacGillivray, we could all sing admirably, we could drink like fishes, and we all thought we could dance on the table without disturbing a single decanter, glass, or plate, by which it was profusely covered; but on making the experiment we discovered it was a complete delusion, and ultimately we broke all the plates, glasses, bottles, etc., and the table also, and worse than that, all the heads and hands of the party received many severe contusions, cuts, and

scratches.... I was afterwards informed that one hundred and twenty bottles of wine had been consumed at our convivial meeting, but I should think a good deal had been spilt and wasted." Surely such relation should prove an encouragement to the social reformer.

This club had its quarters for many years in the Mansion House, the principal hotel of Montreal, which stood on the site of the Bonsecours Market, facing St. Paul Street, and with a handsome terrace overlooking the river. But a fire which occurred on the evening of a ball swept the whole building, and the Beaver Club lost all its valuable silver, glass, etc., and no doubt the records of its meetings as well.

An interesting relic of the club came to light at the auction of the effects of Rosina Vokes, the actress; it was a small silver snuff-box, bearing the following inscription: "The Earl of Dalhousie to James Hughes, Esq., in remembrance of the Beaver Club, 24th May, 1824." This probably marks the last meeting of the Beavers as the "Northwest" club, for the amalgamation of the Northwest and the Hudson Bay companies took place in the same year.

There also flourished in Montreal about the same time another club, known as the Gray Beards. I have seen the minute-book kept by James Morrison, who wintered in the "Upper Country" as early as 1767. The first pages of this little book are gone, and the date of the first meeting recorded is 1794. The actual membership of the club must have been small, as one of the conditions seems to have been presence in Canada in 1760 or before, and as no French names appear on the roll the number of possible members was necessarily few. However, hospitality in those days was generous, and the club meetings were all that could be desired in point of number. Dillon's Coffee House was their headquarters, where they met five times a year and sat down "at half past three o'clock precisely," and called for the

bill at eight. In front of each member stood a gray stone-ware mug decorated in dark blue, with the royal cipher in the middle, and holding an imperial pint. Such mugs were long called "Graybeards" in Scotland, and this possibly was the origin of the name of the club.

Colonel John Campbell, of the Indian Department, Mr. Howard, Major Hughes, Hon. Judge Fraser, and James Morrison were among the members.

The Bachelors' Club had quarters in the same hotel as the Beaver Club, but were more fortunate during the fire, and saved all their plate and silver. Of this club I have been able to discover no detail.

There was also the Montreal Assembly during the first years of the century, whose members entertained their friends with dances, much after the fashion of Assembly Dances of to-day. It speaks strongly for the convivial spirit of Montreal that such clubs could have existed side by side in so small a community.

After the Beavers, the Gray Beards, and the Bachelors, came the Brothers-in-Law, the last of the old dining clubs. This was the outcome of a dinner at a tavern at Côte des Neiges on the last day of February, 1827, when a number of lawyers proposed and founded the Order, fifteen in number, to dine together six times during the year. The members sent their contributions of food and wine before them, being especially careful as to the quality. The entrance fee was six bottles.

In the minutes we find that Mr. Walker, Q. C., having lost a wager of a hat or six bottles of wine, at the option of the winner, the late Judge Gale, the latter generously presented the result to the club, whereupon it was resolved that the loser should be held "to procure a hat of the shape worn by Spanish cavaliers, to be worn by the president of the day during the transaction of public business, and to be thereafter considered the property of the society."

When the late Judge McCord "positively declared his inability to sing he was permitted to escape on drinking two bumpers." Henry Griffin, first Notary of the Bank of Montreal, presented the club with a snuff-box on the 20th June, 1829. John Molson, Sr., presented the club on the 10th March, 1832, with a leg of mutton raised on Boueherville Islands; "never was such a leg seen on this side of the Atlantie — in truth 'twas 'Mister John's leg'! Before it was half consumed the Brothers-in-Law were unanimously of opinion that the man who can raise such mutton is worthy of a seat in his Majesty's Council for the Province of Lower Canada!"

Their last meeting was held on the 20th February, 1833. Only four members were present; and the secretary, paraphrasing King Henry, remarks, "The fewer men, the greater share of honor," and adds, "The delinquent members were considered too bad to be fined."



List of Members Belonging to the Society
of "Brothers in Law."

20th April 1827.

3.	C. R. Ogden,	}	Esquires.
1.	Samuel Gale,		
2.	John Boston,		
4.	James C. Grant,		
5.	S. W. Monk,		
8.	R. L. Morrogh,		
6.	Alexr. Buchanan,		
7.	Willm. Walker,		
9.	J. S. McCord,		
11.	Fredk. Griffin,		
10.	W. Badgley,	}	Hon. Mem. 20. Apl. 1827.
12.	J. G. Scott,		
13.	H. Griffin, Esqr.		
14.	A. Bourret,		
15.	C. Sweeny,		

Minutes of Brothers in Law Club.

The undernamed Barristers met at Cooley's Tavern,
Côte des Neiges, at a Picnic dinner on the last day of
February Term 1827.

John Boston Esqr. Prest.
James C. Grant Esqr. V. P.

A. Buchanan,	}	Esqrs.
W. Walker,		
J. S. McCord,		
F. Griffin,		
J. G. Scott,		

When it was proposed that a certain number of Barristers including those now assembled should associate themselves for the purpose of dining on the last day of each Term and oftener if agreed on and that Rules should be drawn up on or before the 20th April next the above named Gentlemen having agreed to meet again on that day.

(Sgd.) J. G. Scott,
Acting Secy.

The undermentioned Barristers dined together at the Cottage of Henry Griffin Esqr. on

the 20th day of April 1827.

John Boston Esqr. Prest.
J. C. Grant, V. P.

S. W. Monk, Esqr.	J. S. McCord, Esqr.
A. Buchanan, Esqr.	J. G. Scott, Esqr.
F. Griffin, Esqr.	(H. Griffin, Esqr. by invitation).
W. Walker, Esqr.	W. Badgley, Esqr.

After dinner the following Rules were proposed and adopted for the Government of the Society. (Mr. Scott was requested to fill the Office of Secretary).

1.—That the name of this Association shall hereafter be "The Brothers in Law".

2.—That the Association shall never exceed fifteen in number.

3.—That H. Griffin, Esqr. be hereafter considered an Honorary Member.

4.—That the Senior and next Senior Members shall in rotation fill the offices of President and Vice President, and the Junior and next Jr. Members the offices of Stewards also in rotation.

5.—That “The Brothers in Law”, shall dine together six times during the year at such place as may be appointed by the President of the day, i. e. they shall dine on the last day of each of the four Terms and on the last Enquête day in each of the long vacations.

(Sgd.) James G. Scott,
Secy.

At a meeting of “The Brothers in Law” at the Mile End Tavern on the 20th June 1827. 5 P.M.

C. R. Ogden, Esqr. Prest.

John Boston, Esqr. V. Prest.

J. C. Grant, A. Buchanan, Fred. Griffin and J. G. Scott,
Esqrs.

Absent.

S. W. Monk, Esqr. fined	$\frac{1}{4}$ doz. best Madeira.
S. Gale, Esqr. fined	$\frac{1}{4}$ doz. E. J. Madeira
J. S. McCord, Esqr. fined	$\frac{1}{4}$ doz. Madeira.
W. Badgley, Esqr. fined	$\frac{1}{4}$ doz. Port.
R. L. Morrogh, Esqr. fined	$\frac{1}{4}$ doz. Port.
W. Walker, Esqr. was Excused.	

Ordered that the foregoing penalties be levied instantly from the absent Members by the next Prest. and V. Prest. viz. J. C. Grant and C. R. Ogden Esqrs. and that the Secy. notify the delinquent members of this sentence.

Messrs. McCord & Badgley arriving at 8 P.M. were immediately apprized of the foregoing Judgment which they cordially concurred in.

(Sgd.) James G. Scott,
Secy.

Notices to Messrs. Gale, Monk & Morrogh 21st June 1827.

J. G. S.

"The Brothers in Law" assembled at Cooley's Tavern, Current St. Mary, on the 28th Augt. 1827 being the last Enquête day in the long Summer Vacation and sat down to dinner at 5 P.M.

J. C. Grant, Esqr. Pres.
R. L. Morrogh, Esqr. V. Prest. p. t.

J. Boston, A. Buchanan, S. Gale, F. Griffin, W. Badgley
and J. G. Scott, Esqrs., H. Griffin, Esqr., H. Mem.

Absent.

S. W. Monk, Esqr. fined 2 Bottles Champaigne.
W. Walker, Esqr. fined 1/3 doz. best Madeira.
C. R. Ogden, Esqr. was Excused.
J. S. McCord, Esqr. also Excused.

Ordered that the above penalties be levied instantly by the Secy. after notice given to the parties.

The fines inflicted on the 20th June were levied and delivered to A. Buchanan Esqr. Treasurer.

Messrs. Gale & Morrogh voluntarily offered to present two Bottles of Champaigne each for the use of the Members at their next meeting (20. Oct. 1827). The offer was most cordially accepted by the President in the name of the Society.

(Sgd.) James G. Scott,
Secy.

"The Brothers in Law" assembled at Mile End Tavern, Montreal, on the 20th day of October 1827 and sat down to dinner at ½ past 5 P.M.

John S. McCord, Esqr. Pres.
J. C. Grant, Esqr. V. Pres.

S. Gale, J. Boston, F. Griffin, W. Badgley and J. G. Scott, Esqrs. and C. Sweeny, Esqr. by the
Presidents invitation.

Of the fines imposed at the last meeting, Br. Monk's 2 bottles of Champagne were alone forthcoming which however with the four Bottles produced by Messrs. Gale & Morrogh were discussed with much satisfaction.

The President and Members taking into consideration the absence of several of the Members feel themselves under the disagreeable necessity of remarking particularly the repeated absence of Messrs. Monk & Walker from the meetings of the association and conceive themselves bound in duty to the Society to mark their disapprobation of such offences by imposing the following penalties on the delinquents viz.

It is ordered that Mr. Monk be fined six Bottles of Champagne should he not attend the next meeting of the Association — but in case of his attendance thereat that the said fine be commuted to 2 Bottles of Champagne only.

And it is ordered That Mr. Walker do produce for the benefit of the Association at its next regular meeting First the amount of the fine imposed on the 28th August last being $1\frac{1}{3}$ doz. of best Madeira and in addition to the said fine that he the said Mr. Walker do also produce for the benefit aforesaid, at the next regular meeting aforesaid, A Box containing 250 best Havannah Segars two Bottles of Champagne and two Bottles of best Madeira.

The cases of Messrs. Buchanan & Morrogh were then taken into consideration and the President and Members in excusing their attendance conceive it necessary to recommend that hereafter those Gentlemen be more careful in their calculations — and that the said Buchanan & Morrogh do mutually communicate this recommendation to each other.

Messrs. Ogden and H. Griffin having sent sufficient reasons for their absence were Excused.

Ordered, That the fines above imposed be levied in the usual manner previous to the next regular meeting.

(Sgd.) James G. Scott,
Secy. B. B. L.

The Brothers in Law assembled at St. Marys Tavern (Cooley's) on Saturday the 12. Jany. 1828 last Enquête day in the long Winter Vacation at 5 o'elock P.M.

W. Badgley, Esqr. President.
F. Griffin, Esqr. V. President.

J. C. Grant, John Boston, S. W. Monk, R. L. Morrogh,
H. Griffin, A. Buchanan, W. Walker, J. S. McCord
and J. G. Scott, Esqrs.

The fines imposed at the last meeting (as commuted) were produced by Messrs. Monk & Walker and accepted.

Mr. McCord informed the Brethren that having gained a wager from W. Walker, Esqr. of a Hat or 2 Bottles of Wine (at the option of the loser), he begged to transfer the wager so lost to the Society. Mr. Walker professing a readiness to pay the Hat or the wine as the Society should determine :—

Resolved That at or before the next meeting of this Association Mr. W. Walker be held to procure a Hat of the shape worn by Spanish Cavaliers to be worn by the President of the day during the transaction of public business and to be thereafter considered the property of the Society.

The non attendance of Messrs. Gale and Ogden was Excused.

T. Peltier, Esq., Advocate, was then proposed by Mr. F. Griffin and unanimously elected a Member of the Association.

Resolved. That the President of the next meeting and S. W. Monk, Esqr. be deputed by the Association to request the honor of Mr. Justice Foucher and Mr. Justice Pyke's Company at the next meeting on the 20th Febry. next and that in case their Honors should accept the invitation the two Senior Barrister Members of the Society, shall take the chairs of Prest. and V. President for the evening. Ordered.—That should the said invitation be accepted Mr. McCord shall (with such assistance as he can procure from other members) superintend the preparations for the next meeting.

(Sgd.) James G. Scott,
Secy.

Received for the purchase of Wine.....	£2.5.0
Paid Mr. Carswell	1.5.7½
Balance in my hands	£.19.4½

12. Jany. 1828.

J. G. Scott.

The Brothers in Law assembled at Cooley's Inn, Foot of the Current St. Mary, on Wednesday the 20th February 1828 at 5 P.M.

Present.

Mr. McCord,
Mr. Badgley,
Mr. Griffin,
Mr. H. Griffin,
Mr. Scott.

Absent.

Mr. Walker,
Mr. Monk,
Mr. Morrogh, excused,
Mr. Boston,
Mr. Ogden, excused,
Mr. Buchanan, excused.

Mr. Scott informed the President that he had been requested by Mr. Peltier to present his thanks for the

honor conferred upon him in the election of last night but that circumstances of a private nature compelled him to decline the honor.

A. Bourret, Esqr. was duly elected a Member of the Society.

Mr. Walker was fined 4 Bottles of Madeira for his absence and also for neglecting to send his prog and hat.

Mr. Monk was fined 2 Bottles of Madeira for his absence and want of prog.

Mr. Boston one Bottle of Madeira for neglect to send prog.

(Sgd.) James G. Scott,
Secy.

The Brothers in Law assembled at Cooley's Inn on Saturday the 19th day of April 1828 at 5 P.M.

Present.

J. G. Scott, Prest.
J. S. McCord,
A. Buchanan,
W. Badgley,
C. D. Day, Guest.

Absent.

W. Walker, Esqr.
R. S. Morrogh,
S. W. Monk,
J. Boston, A. Bourret,
C. R. Ogden,
H. & F. Griffin.

The Secy. reported that none of the fines imposed had been sent.

Mr. Walker's repeated neglect was severely censured. It appearing by the Minutes that he is in arrear to the

Society 4 Bottles of Madeira and a Spanish Hat.—Ordered that Mr. Walker be notified to produce the said 4 Bottles of Madeira and hat together with two bottles of Madeira in addition as a penalty for his previous neglect upon pain of expulsion.

Mr. Morrogh was fined	One bottle of Port.
Mr. Bourret “ “	One do. do.
Mr. Boston “ “	One do. do.
Mr. Boston came in at a late hour.	

(Sgd.) James G. Scott,
Secy.

The Brothers in Law assembled at St. Mary's Hotel on Monday the 20th day of October 1828.

Present.

C. R. Ogden, Esqr. Prest.
John Boston, Esqr.
Alex. Buchanan, Esqr.
A. Bourret, Esqr. V. P.
J. S. McCord, Esqr.
W. Badgley,
J. G. Scott,
W. Walker.

Absent.

J. C. Grant, excused.
S. Gale, excused.
S. W. Monk,
R. L. Morrogh,
Fredk. Griffin, excused.
H. Griffin, excused.

C. Sweeny, Esqr. was proposed an ordinary Member and unanimously admitted, he being ordered to furnish Six Bottles of Champagne as a fee on admission.

None of the previous fines imposed (with the exception of Mr. Bourret) were paid.

The President ordered that the Secretary do enter on

the Minutes a Mem: of the several songs sung this evening for reference on future occasions.

My Friend & Pitcher. Guardian Angel.	}	Mr. Boston.
Farewell and whenever. Le vin, Le vin, &c.	}	Mr. Badgley.
Venus me défend, &c. Vivre, vivre et boire. Bon soir la compagnie.	}	Mr. Bourret.
Should auld acquaintance (with unbounded applause.)	}	Mr. Buchanan.
Green grow the Rushes O		Mr. Walker.
Charlie wha' wad na &c. Je suis un French Gent. &c.	}	Mr. Scott.
Yankee Doodle.		The President.

Mr. McCord having positively declared his inability to sing was permitted to escape on drinking two bumpers.

(Sgd.) J. G. Scott,
Secy. B. B. L.

The Brothers in Law assembled on Friday 20th February 1829 at St. Mary's Hotel.

Present.	Absent.
H. Griffin, Esqr. Prest.	Samuel Gale, excused.
A. Bourret, Esqr. V. P.	John Boston, excused.
J. C. Grant,	W. Walker, fined.

S. W. Monk,
A. Buchanan,
J. S. McCord,
W. Badgley,
J. G. Scott,

R. L. Morrogh, excused.
Fred. Griffin, excused.

C. Sweeny with 6 Bottles of Champagne.

The Secretary was called upon to produce the Minutes of the last evening which he stated had not been entered, and proceeding to report defaulters it was discovered the Secy. had also omitted to produce his prog. This twofold offence was then taken into consideration by the Association and after a long discussion the decision of the Members was so far influenced by mercy as to reduce the punishment inflicted to the following condemnation viz.

"That the Secretary do at the next meeting produce the prog for which he was assessed this evening (or an equivalent) in addition to his assessment for the next meeting.

Messrs. Ogden, Gale, Boston, Morrogh & F. Griffin were excused for their nonattendance.

Mr. Walker was fined Six Bottles of Wine for his absence and neglect to pay former fines and Ordered to produce at our next meeting as well the fine now imposed as all fines heretofore registered against him upon pain of expulsion.

Mr. Buchanan moved, seconded by Mr. Sweeny and it was unanimously Resolved, That a fund be created previous to our next meeting for the purchase of Wine for the use of the Association, and that each member shall be held to contribute the sum of One pound 5/. Currency for that purpose on or before the 25th March next.

Ordered That Brs. H. Griffin and J. S. McCord be a Committee to collect the fund and purchase the Wine.

Moved by Br. McCord seconded by Br. J. G. Scott That the second part of the 4th Rule of this Association with regard to the Stewards be rescinded and instead of that office being filled as pointed out by that Rule,—two Members in rotation be appointed to fill the office, and to continue therein for 12 months.

The usual toasts being given.

Br. J. C. Grant's return from Europe was welcomed by a bumper with 3 times 3.

(Sgd.) James G. Scott,
Secy. B. B. L.

The Brothers in Law assembled at the St. Mary's Hotel on the 20th May 1829.

(last of the Enquête days).

Present:

S. W. Monk, Esqr. President.

J. C. Grant, Esqr. Vice-President.

Messrs. Buchanan, Ogden, Boston, Griffin, Bourret, Badgley, H. Griffin, Scott, McCord and Sweeny.

The Records being read Mr. Walker's neglect to send his several fines was taken into consideration and he being absent it was unanimously Resolved That Mr. Walker be notified in writing to produce the fines heretofore imposed and that in default of his so doing at our next meeting the alternative offered will be peremptorily enforced.

Mr. Boston having neglected to produce his fine of one Bottle it was resolved that unless he should produce that fine at our next meeting the fine shall be increased to two Bottles.

Mr. Morrogh was fined One Bottle of Port for neglect to produce fine imposed in April 1828.

Mr. Ogden informed the Members that he had received from them the sum of £7. for the purchase of Wine which he had expended as set forth in Mr. Auldjo's account produced.

Resolved that Mr. Ogden merit the thanks of the Association for his judicious selection of the Wines for this meeting.

Mr. Scott volunteered 2 Bottles of Champagne in consequence of his not producing the fine imposed at last meeting, offering however as an excuse that no assessment for prog had taken place in consequence of the change of system in providing the dinners.

(Sgd.) J. G. Scott,
Secy. B. B. L.

Messrs. Walker, Morrogh and Boston were notified in writing of the Resolution of 20. May 1829.

J. G. S.

The Brothers in Law assembled at St. Mary's Hotel on Saturday the 20th June 1829.

J. S. McCord, Esqr. Prest.

C. R. Ogden, Esqr. proxy for F. Griffin, V. P.

J. C. Grant,	A. Buchanan,	A. Bourret,
W. Badgley,	F. Griffin,	C. Sweeny.
and H. Griffin, Esquires.		

The Notice to Mr. Walker having only been given this morning which informed him of the resolution adopted at our last meeting, it was Resolved That the rule be enlarged to next regular meeting.

Mr. Boston's fine was increased agreeably to the Resolve of last meeting to two Bottles, and he was fined another bottle for his absence to day.

Mr. Morrogh sent two Bottles of Port for the fines imposed in April 1828 and at our last meeting.

Mr. Scott sent the two bottles of Champagne volunteered by him at the last meeting.

The following fines were imposed for non Attendance viz.

Mr. Gale,	2 Bottles Champagne.
Mr. Monk,	1 Bottle Madeira.
Mr. Morrogh,	1 Bottle Champagne.
Mr. Walker,	2 Bottles Champagne.
Mr. Scott,	1 Bottle Madeira.

After the removal of the cloth and the usual Toasts being given, H. Griffin, Esqr. presented to the Society a handsome Snuff Box prepared expressly for the Brothers in Law and having appropriate devices elegantly executed thereon. The President in the name and on behalf of the Society returned thanks for the present — and a bumper toast was drank to Mr. Griffin's health.

Ordered, That a Morocco case be provided for the preservation of the Snuff Box. (1).

Ordered, that the Secretary do notify the Brethren to attend at the Advocates Library on the 1st July next at ten A.M. to adopt rules and regulations for the Society in regard to the expenses attending dinners and wine.

(Sgd.) Fredk. Griffin,
Secy. p. t.

(1) This snuff-box, it is said, is now in The David Ross McCord National Museum, Montreal.

17th October. Notified Messrs. Gale, Monk & Morrogh of their fines and to produce the same at Mrs. Starks on the 20th Oct. 1829, same day renewed notice of the Rule on Mr. Walker notifying him of the additional fine — and took notice myself of the fine imposed on the Secretary.

(Sgd.) J. G. Scott.

At a meeting of the Brothers in Law on the 1st July 1829 held in the Advocates Library to adopt certain regulations with respect to the expenses attending the meetings.

Present:

A. Buchanan, Esqr. Chairman.

C. R. Ogden, A. Bourret, J. S. McCord, F. Griffin, W. Badgley, H. Griffin, C. Sweeny and J. G. Scott, Esqrs.

The object of the meeting having been stated by the Chairman, the Question was put:—What ought to be the dining fee for each Member? After some discussion it was Resolved That for the future the dining fee shall be six shillings and eight pence and that each Member shall be held to pay that fee whether present or absent.

Resolved also that in case any Member should not attend any of the meetings he shall nevertheless be bound to cause his fee of 6/8 to be paid at the time of meeting in default whereof such members shall be fined 6/8 in addition to the fee — but this fine is not to interfere with any other fine which may be imposed upon such absent member for non attendance.

Resolved That all fines hereafter to be imposed shall consist of Champagne and of no other Wine.

Resolved That the contribution heretofore proposed of £1.5/. for the purchase of wine shall be paid on or before the 1st day of August next — and that Mr. Ogden be added to the Committee for the purchase of wine named in February last.

(Sgd) J. G. Scott,
Secy. B.B.L.

At a meeting of the Brothers in Law on Tuesday
20th October 1829 at St. Mary's Hotel.

Present.

C. R. Ogden, Prest.
C. Sweeny, V.P.

S. Gale, J. Boston, S. W. Monk, R. L. Morrogh,
A. Buchanan, J. S. McCord, F. Griffin,
and H. Griffin, Esquires.

Messrs. Bädgley & Scott's non attendance was excused.

Mr. Bourret was fined one bottle of Champagne.

Mr. Grant was also fined in same penalty.

Mr. Walker not having attended pursuant to repeated notification nor sent his several fines the rule for his expulsion was declared absolute.

The fines heretofore imposed on Messrs. Gale, Monk, Morrogh & Scott were produced and paid.

Mr. Boston being called upon for his fine declared he had not been notified thereof.

Mr. Scott was fined one bottle of Champagne for neglecting to give such notification.

(Sgd) J. S. McCord,
Secy. p. temp.

The Brothers in Law assembled at St. Mary's Hotel on Saturday 20th February 1830.

Present.

S. Gale, Esqr., Prest.
J. S. McCord, Esqr. V.P.

J. Boston, J. C. Grant, A. Bourret, A. Buchanan,
& J. G. Scott, Esqrs.

Messrs. Bourret, Boston & Grant paid the fines heretofore imposed upon them. Mr. Scott's fine was paid by Mr. Boston.

Mr. Sweeny whose duty it was to have presided being absent at 3/4 past 5 p.m. was fined three Bottles of Champagne and having neglected to send his dining fee he was further fined in the sum of 13/4.

The other absent Members were excused.

Messrs. Ross & Ussher were proposed as members and a ballot for their admission ordered to be taken at the next meeting.

(Sgd) J. G. Scott,
Secy. B.B.L.

11/. in Mr. Buchanan's hands)
for the use of the Society.)

(In April there was no regular meeting from the state of the weather).

The Brothers in Law assembled at St. Mary's Hotel on Saturday 19th June 1830.

S. W. Monk, Esqr. Prest.
C. Sweeny, Esqr., V. P.

S. Gale, John Boston, H. Griffin, F. Griffin, J. C. Grant,
J. S. McCord, A. Buchanan, A. Bourret, J. G. Scott.

Mr. Ussher having been ballotted for was unanimously admitted it being understood that he should pay the usual admission fee of 6 Bottles of Champagne.

In the course of the evening, Mr. Gale invited the Brothers in Law to meet him at Dinner on the 1st August next. The invitation was accepted by acclamation.

(Sgd) J. G. Scott,
Secy. B.B.L.

The Brothers in Law assembled at the Saint Mary's Hotel on Wednesday, 20th October 1830.

Present.

J. C. Grant, Esqr., Prest.
J. S. McCord, Esqr., V.P.

C. R. Ogden, John Boston, A. Bourret, A. Buchanan,
C. Sweeny, W. Badgley, J. G. Scott &
J. Ussher, Esqrs.

S. W. Monk, R. L. Morrogh & F. Griffin, Esquires, were severally fined 1 Bottle Champagne, no good reason for their absence having been given.

S. Gale & H. Griffin, Esqrs., having sent a sufficient excuse for their absence, were not fined.

J. Ussher, Esqr., the newly elected Brother, produced the usual fee on admission.

(Sgd) J. G. Scott,
Secy. &c.

18. Feby. 1831, notified Messrs. Monk, Morrogh & F. Griffin of the fines imposed 20th Oct.

19th February 1831.

The Brothers in Law assembled at St. Mary's Hotel.

Present. Saml. Gale, Esqr. President.
John Boston, Esqr. V. Pres.

Messrs. Morrogh, Bourret, Buchanan, Badgley
F. Griffin, Grant & Sweeny.

Messrs. Monk & Griffin were excused for indisposition.

Messrs. Morrogh & F. Griffin paid the fines imposed upon them at the last meeting.

Mr. Grant in the fulness of his heart volunteered a bottle of champagne for the next meeting (loud applause). At the request of the President the Society's snuff-box was entrusted to him until the next meeting, when the Brothers in Law feel confident they will not, as at the present meeting, bewail its awful state of emptiness. Memo. Nothing but the peculiar circumstances of the case saved the Br., who was so forgetful of the noble science of "nose-ology" as to bring an empty box to the meeting, from a fine.

Notes were received from Messrs. McCord & Scott signifying their wish to withdraw from the Society.

The healths of the seceding brethren were, in consequence, drank in solemn silence, which was followed by three "heart-rending" groans ! This ceremony was deemed to be so appropriate that it was ordered to be recorded in the minutes and observed at all future secessions.

F. Griffin was nem. con. appointed Secretary for the two next terms.

(Sgd) F. Griffin,
Secy.

20th April 1831.

Meeting at St. Mary's Hotel.

Present. John Boston, Esqr. Prest.
Alexis Bourret, Esqr., V. Prest.

Messrs. Gale, Badgley, Sweeny, H. Griffin & F. Griffin.

Mr. Grant sent the bottle of champagne he volunteered at the last meeting and another with an excuse for non-attendance which were, (that is the champagne and the excuse) admitted.

Messrs. Ogden, Buchanan & Morrogh were severally exeused. Mr. Monk was fined.

Mr. Gale volunteered a bottle of champagne for the next meeting (cheers).

Mr. Ussher "seceded"! The groaning chorus was therefore duly performed, and in such fine style that the President was requested to set it to musie, in order to perpetuate such a splendid effort of natural musieal talent !

A wager of a bottle of Champagne was laid between Messrs. Gale & Sweeny respecting the true reading of the last line of every stanza of a certain "rhymical" letter from Lord Byron to his bookseller published in the 2d. Vol. of Moore's life of his lordship.

Mr. Gale's reading is "My Murray".

Mr. Sweeny's "Mister Murray".

Unanimously resolved:—That the loser do produce his bottle at the next meeting for the benefit of the Society.

Mr. Sweeny gave it as his opinion that a certain Hon'ble. Judge (not having the fear of the approaching hot weather, or of a smith's furnace and bellows before his eyes), would "perpetrate" matrimony before the next meeting, and offered to wager a bottle of champagne in support of that opinion. Mr. Gale magnanimously cried "done!" and the President ordered the Secretary to record the wager.

(Sgd.) F. Griffin.

Memo. of Wine left after the meeting

6 Madeira — 2 Sherry — 2 unknown, but supposed to be either Port or Port-er.

Monday, 20th June 1831.

The Brothers in Law met at St. Mary's Hotel.

Present. J. C. Grant, Esqr. Prest.

Messrs. Bourret, Boston, Buchanan, Sweeny, Gale,
H. Griffin & F. Griffin.

Mr. Ogden being absent from town was excused as also Mr. Badgley from indisposition.

All the members except Messrs Monk & Morrogh paid their dinner fees.

Messrs. Monk & Morrogh were therefore fined 6/8 each agreeably to the by-laws and they were fined a bottle of Champagne each in addition for depriving the meeting of their valuable services. These fines together with their dinner fees for this day to be paid at the next meeting.

The fines imposed at the last meeting were paid. Mr. Gale paid a bottle of Champagne in consequence of the forge of a certain Pyke-smith having been put into full operation since the last meeting (vide the last entry for April).

Mr. Sweeny produced a bottle of Champagne as an acknowledgment that "my Murray" is more correct than "Mister Murray".

The Wine Treasurer reported a balance of 14 bottles of Wine on hand. Mr. Gale volunteered a bottle of superior Sherry.

(Sgd) F. Griffin,
Secy.

Thursday, 20th October 1831.

Mr. Gale, Prest. F. Griffin, V. Prest.

Messrs. Buchanan, Boston, Grant, H. Griffin,
Sweeny, Morrogh & Badgley.

Mr. Morrogh paid the fines imposed upon himself & Mr. Monk at the last meeting to Mr. Buchanan, Wine Treasurer.

Mr. Monk having neglected to send his dinner fee of 6/8 it was unanimously resolved — that in addition

thereto he do pay a fine of 6/8. It was then moved and duly seconded — that Mr. Monk be further fined in 2 Bottles of Champagne — moved in amendment and duly seconded — that inasmuch as two bottles are not sufficient to answer the purposes intended of refreshing Mr. M's memory, and the "internal communications" of the Brs. in Law and are moreover inadequate to relieve the profound grief which Mr. M's absence has occasioned to the Brethren — that Mr. M. do pay a fine of **Three** Bottles of Champagne. This amendment was carried by the casting vote of the President.

Mr. Gale produced a bottle of excellent Sherry.

Mr. Bourret was excused.

Mr. Grant moved that it is not proper to **open any** snuff box at a meeting of the Brs. in Law, except the club snuff-box and that the President be therefore fined for not bringing the club-box. Mr. Gale waived his privilege as President—referred the matter to "his Vice"—and explained. It was thereupon "unanimously" resolved—that Mr. Gale be "not" fined! Mr. Gale then volunteered 2 Bottles of Sherry for the next meeting!

Mr. Grant opened his heart and volunteered "a bottle or two of Champagne for the next meeting. Huzza! Of course "the liberal profession" take this generous offer in its most extensive signification.

(Sgd) F. G.

20th February 1832.

The unavoidable absence of several members induced a postponement of the meeting which should have been held this day, to the 10th of March next — the last day of the Criminal Term of the Court of King's Bench.

10th March 1832.

The Brothers in Law assembled at Mrs. Mussen's in Notre Dame Street.

Present. Mr. Gale, President. Mr. Ogden, Vice.

Messrs. Buchanan, Grant, Sweeny, Monk, A. Bourret, Morrogh and F. Griffin.

The minutes of last meeting were approved.

Messrs Boston & H. Griffin were excused, the former being out of town and the latter unwell.

The Brothers in Law dined this day on beef-steaks and a boiled leg of Mutton of very superior quality and cooked "to a turn". The former was capable of satisfying the most fastidious palate of the most beefsteaking John Bull, — and the latter—Ye Gods! need more be said than that it was raised on Boucherville Islands by John Molson, Senr., Esquire! Never was such a leg seen on this side of the Atlantic, — in truth, twas "Mister John's leg"! ! Before it was half discussed the Brothers in Law were unanimously of opinion, that the man who can raise such mutton is worthy of a seat in His Majesty's Legislative Council for the Province of Lower Canada, and the Brethren do not doubt that His Majesty will most graciously coincide with them, and dub that worthy man "The Honorable".

The Secretary was desired to warn the members not to let their mouths water when speaking of this magnificent leg of mutton.

(Sgd) F. Griffin,
Secy.

24th April, 1832.

Mr. Buchanan, Prest. & Mr. Grant, Vice.

Messrs. Gale, Sweeny, Boston, Bourret, H. Griffin,
and F. Griffin.

The Minutes of last meeting were approved.

Mr. Monk not having sent his dinner fee was fined
an additional 6/8 and a Bottle of Champagne.

Mr. Morrogh was excused.

(Sgd) F. Griffin,
Secy.

20th June 1832.

No meeting of the Brothers in Law was held this
day in consequence of the ravages of the Cholera.

20th October 1832.

The Brothers in Law dined at "Orr's Hotel".

Mr. Gale in the Chair. Mr. Buchanan, Vice.

Mr. Boston, Mr. Bourret & F. Griffin, Members.

Mr. Grant was excused for non-attendance but not
for neglecting to send his dinner fee. He will therefore
pay an additional 6/8.

Mr. Ogden, at Quebec, and Mr. H. Griffin, ill, were
both excused.

Messrs. Monk, Morrogh & Sweeny were each fined
a Bottle of Champagne for non-attendance, and 6/8 extra
for not sending their dinner fees, to be paid at the next
meeting.

Unanimously resolved:—That the thanks of the Brothers in Law be given to Mr. Gale for the excellent wines provided for this meeting.

(Sgd) F. G.

1	Bott. Champagne.	} left in Mr. Gale's charge.
1	“ Port.	
2	“ Madeira.	

20th Feby. 1833.

At Orr's Hotel.

Present, Mr. Gale in the chair.

Messrs. Boston, Buchanan & F. Griffin.

“The fewer men, the greater share of honor.”

Messrs. Grant & H. Griffin were excused.

The other members were considered too bad to be fined! It is expected however that they will fine themselves at the next meeting.

Thanks were voted to the Chairman for the very superior wines furnished on this occasion.

(Sgd) F. G.

20th April, 1833.

No meeting.

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